

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

<b>NETSOC, LLC,</b>	)	
<b>Plaintiff,</b>	)	
	)	<b>Civil Action No. 2:18-cv-542</b>
<b>v.</b>	)	
	)	
<b>TELADOC HEALTH, INC.</b>	)	<b>JURY TRIAL DEMANDED</b>
<b>Defendant.</b>	)	

**PLAINTIFF’S FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT**

NetSoc, LLC (“NetSoc”) files this First Amended Complaint and demand for jury trial seeking relief from patent infringement of the claims of U.S. Patent No. 7,565,344 by Teladoc, Inc., alleging as follows:

**I. THE PARTIES**

1. Plaintiff NetSoc is a Texas Limited Liability Company with its principal place of business located in Harris County, Texas.

2. On information and belief, Teladoc Health, Inc. (“Teladoc”) is a domestic corporation organized and existing under the laws of Delaware, with a physical and principal place of business located at 1945 LAKEPOINTE DRIVE, LEWISVILLE, TX 75057. Teladoc may be served through its registered agent at Corporation Service Company D/B/A CSC-Lawyers Incorporating Service Company 211 E. 7th Street, Suite 620, Austin, TX 78701-3218. On information and belief, Teladoc sells and offers to sell products and services throughout Texas, including in this judicial district, and introduces products and services that perform infringing methods or processes into the stream of commerce knowing that they would be sold in Texas and this judicial district.

## II. JURISDICTION AND VENUE

3. This Court has original subject-matter jurisdiction over the entire action pursuant to 28 U.S.C. §§ 1331 and 1338(a) because Plaintiff's claim arises under an Act of Congress relating to patents, namely, 35 U.S.C. § 271.

4. This Court also has original subject-matter jurisdiction over the entire action pursuant to 28 U.S.C. § 1332(a)(1) because Plaintiff is a limited liability company organized under the laws of the State of Texas and Defendant is a Delaware Corporation with a principal, physical place of business at 1945 LAKEPOINTE DRIVE, LEWISVILLE, TX 75057. The matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs.

5. This Court has personal jurisdiction over Defendant because: (i) Defendant is present within or has minimum contacts within the State of Texas and this judicial district; (ii) Defendant has purposefully availed itself of the privileges of conducting business in the State of Texas and in this judicial district; and (iii) Plaintiff's cause of action arises directly from Defendant's business contacts and other activities in the State of Texas and in this judicial district.

6. Venue is proper in this district under 28 U.S.C. §§ 1391(b) and 1400(b). Defendant has committed acts of infringement and has a regular and established place of business in this District. Further, venue is proper because Defendant conducts substantial business in this forum, directly or through intermediaries, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct and/or deriving substantial revenue from goods and services provided to individuals in Texas and this District.

### III. INFRINGEMENT ('344 Patent)

7. On July 21, 2009, U.S. Patent No. 7,565,344 (“the ‘344 patent”, attached as Exhibit A) entitled “Method and System for Establishing and Using a Social Network to Facilitate People in Life Issues” was duly and legally issued by the U.S. Patent and Trademark Office. NetSoc, LLC owns the ‘344 patent by assignment.




8. The ‘344 patent relates generally to a method and system for establishing and using a social network to facilitate people in life issues.



9. Teladoc maintains, operates, and administers a website at [www.teladochealth.com](http://www.teladochealth.com) that infringes one or more claims of the ‘344 patent, including at least claims 1-14, literally or under the doctrine of equivalents. Defendant put the inventions claimed by the ‘344 Patent into service (i.e., used them); but for Defendant’s actions, the claimed-inventions embodiments involving Defendant’s products and services would never have been put into service. Defendant’s acts complained of herein caused those claimed-invention embodiments as a whole to perform, and Defendant’s procurement of monetary and commercial benefit from it.

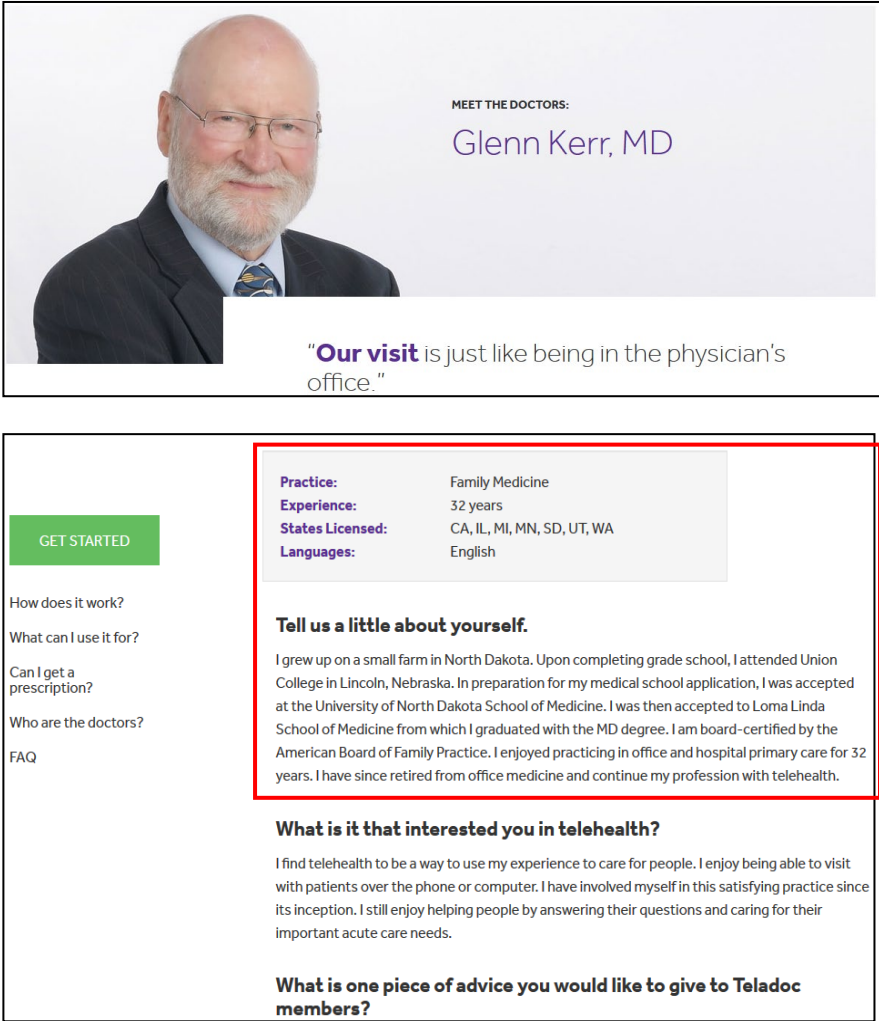
10. Support for the allegations of infringement may be found in the following preliminary table:

Claim 10	Accused Product or Service
10. A system for establishing a social connection, the system comprising:	Plaintiff contends that Teladoc offers a system for establishing a social connection. <div style="border: 1px solid black; border-radius: 15px; padding: 10px; margin-top: 10px;">                         Teladoc offers a system for establishing a social connection between providers and members or patients.                     </div>

Claim 10	Accused Product or Service
	<p>Teladoc Health, Inc., formerly Teladoc, Inc., incorporated on October 16, 2008, is a telehealth company. The Company offers telehealth platform, delivering on-demand healthcare anytime, anywhere, through mobile devices, the Internet, video and phone. The Company's solution connects its Members, with its over 3,000 board certified physicians and behavioral health professionals treating a range of conditions and cases from acute diagnoses, such as upper respiratory infection, urinary tract infection and sinusitis to dermatological conditions, anxiety and smoking cessation. As of July 17, 2017, it served over 7,500 employers, health plans, health systems and other entities. As of July 17, 2017, these clients collectively purchased access to its solution for more than 20 million Members. As of December 31, 2016, it had over 30 health plans as Clients.</p> <p>The Company's solutions consist of an integrated technology platform, Provider network, consumer engagement strategies and entrenched distribution channels. It offers integrated technology platform for telehealth with an application programming interface (API) and multiple real time mayor integrations. Its platform's API controls external connectivity with a range of payors, third party applications and other interfaces and positions them to be a central partner in the emerging, technology powered healthcare industry. Its platform serves the needs of consumers, employers and health plans and providers. Its platform features predictive modeling, automated complex routing, queuing and scheduling.</p> <p>The Company's integrated platform supports access to, and evaluation of, information from a range of healthcare network participants. The Company's enterprise scale platform is offered for real time sharing of clinical and non-clinical data in real time among the Teladoc constituents, which include Members, Providers, physician network operations center staff, nurses, SureScripts for electronic medication prescription writing, routing and fulfillment and health plans for real time eligibility checking, real time Member financial responsibility calculations, claims processing, clinical summaries and clinical alerts.</p> <p>The Company's Provider network controls its technology platform for managing custom visit queues that automatically and instantly route available visits to appropriate Providers based upon algorithms. Providers use its Internet based application or iPhone operating system (iOS) application for viewing their visit queue, scheduling visits and its workflow for reviewing Members' medical history and symptoms, documenting the actual visits, e-Prescribing, if appropriate, and sending applicable medical content with follow up instructions to the Member through a secure message center.</p> <p><b>Attachment 4 (Teladoc Health Inc (TDOC.N) Company Profile   Reuters.com (Webpage, 2018)) at 1.</b></p>
<p>a combination of one or more processors and memory that operate to:</p>	<p>Plaintiff contends that Teladoc has deployed servers or data-center (having processors and memory).</p> <p>Our data center is both physically and electronically secured. Our servers are protected behind the Internet by using firewall and encryption technology. All data is stored and transferred in encrypted formats that either meet or exceed standards defined by state and federal laws. No data is transferred to users that do not have rights to access such information.</p> <p><b>Attachment 1 (Introduction (Webpage, 2018)) at 3.</b></p>
<p>maintain a list comprising a plurality of participants, wherein each participant in the plurality of participants</p>	<p>Plaintiff contends that Teladoc (by using servers or data-center) stores and maintains data of plurality of providers along with their information. Each participant (or provider) profile contains information such as biographical information; the biographical information also includes a location or geographic region of each participant or candidate.</p>

Claim 10	Accused Product or Service
<p>corresponds to an organization or an individual, wherein the list includes information associated with at least some of the participants, and wherein the information associated with each participant includes biographical information, the biographical information identifying a geographic region that is associated with, or deemed a residing location, of each of at least some of the participants</p>	<div data-bbox="540 321 1416 506" style="border: 1px solid black; padding: 5px;"> <p><b>Do I talk to “real doctors”?</b>                      Yes. Teladoc members only talk to actual doctors who are U.S. board-certified internists, state-licensed family practitioners, and pediatricians licensed to practice medicine in the U.S. and living in the U.S. When you request a consult, Teladoc will connect you with a doctor licensed in your state.</p> </div> <p><b>Attachment 9 (Frequently asked questions   Teladoc (Webpage, 2014)) at 1.</b></p> <div data-bbox="540 688 1416 1236" style="border: 1px solid black; padding: 10px; background-color: #fff9c4;"> <p style="text-align: center;">Our doctors make all the difference</p> <div data-bbox="673 758 1284 810" style="border: 1px solid red; padding: 2px; text-align: center;"> <p>• 3,100+ licensed healthcare professionals • Trained physicians, dermatologists*, therapists*                              • 20 years' experience on average</p> </div> <p style="text-align: center;"><a href="#">SEE MORE DOCTORS</a></p> <div style="display: flex; justify-content: space-around; align-items: flex-end;"> <div data-bbox="573 867 776 1236" style="text-align: center;">  <p>Joseph Allgeier, MD                              Family Medicine                              20 years' experience  <a href="#">READ MORE</a></p> </div> <div data-bbox="873 867 1076 1236" style="text-align: center;">  <p>Traci Bragg, MD                              Family Medicine                              11 years' experience  <a href="#">READ MORE</a></p> </div> <div data-bbox="1174 867 1377 1236" style="text-align: center;">  <p>Charlotte Starghill, MD                              Family Medicine                              23 years' experience  <a href="#">READ MORE</a></p> </div> </div> </div> <p><b>Attachment 2 (www.teladoc.com (Webpage, 2018)) at 2.</b></p> <div data-bbox="553 1352 1416 1541" style="border: 1px solid black; border-radius: 15px; padding: 15px; margin-top: 10px;"> <p>Teladoc stores and maintains a list of participants along with their associated information such as biographical information which also includes their geographic region or location information.</p> </div>

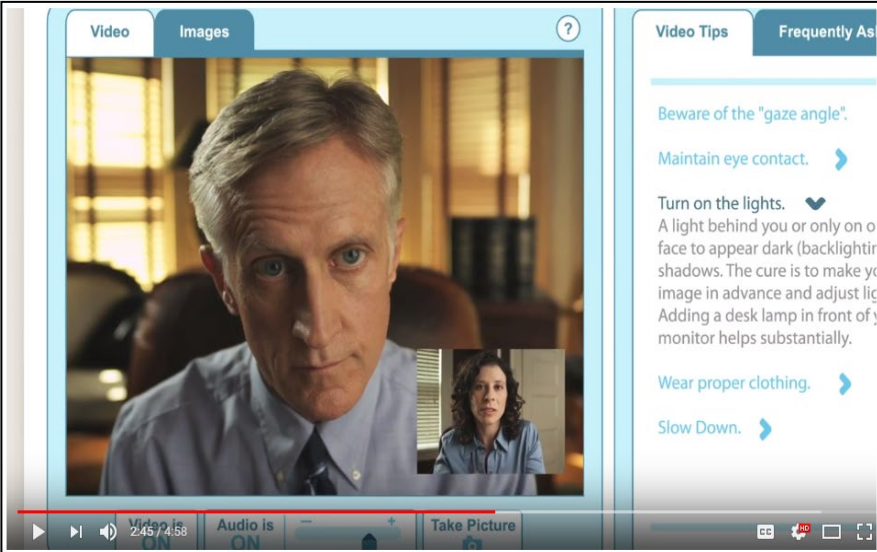
Claim 10	Accused Product or Service
	<div data-bbox="540 321 1421 1354"><h2 data-bbox="553 331 1307 464">Meet the doctors that make Teladoc great.</h2><p data-bbox="548 541 1170 720">Teladoc has a national network of over 3,100 experienced healthcare professionals. They joined Teladoc as a way to provide more patients with an affordable, convenient way to access medical care. Our emphasis on quality has resulted in a perfect score from the National Committee for Quality Assurance (NCQA) for two consecutive certifications.</p><p data-bbox="646 1010 716 1026">DR. KERR</p><p data-bbox="927 1010 1029 1026">DR. ALLGEIER</p><p data-bbox="1230 1010 1317 1026">DR. BRAGG</p><p data-bbox="626 1304 737 1320">DR. STARGHILL</p><p data-bbox="922 1304 1032 1320">DR. DINERMAN</p><p data-bbox="1230 1304 1317 1320">DR. CLARK</p></div> <p data-bbox="537 1381 1318 1459"><b>Attachment 3 (Meet the doctors that make Teladoc great. (Webpage, 2018)) at 1.</b></p>

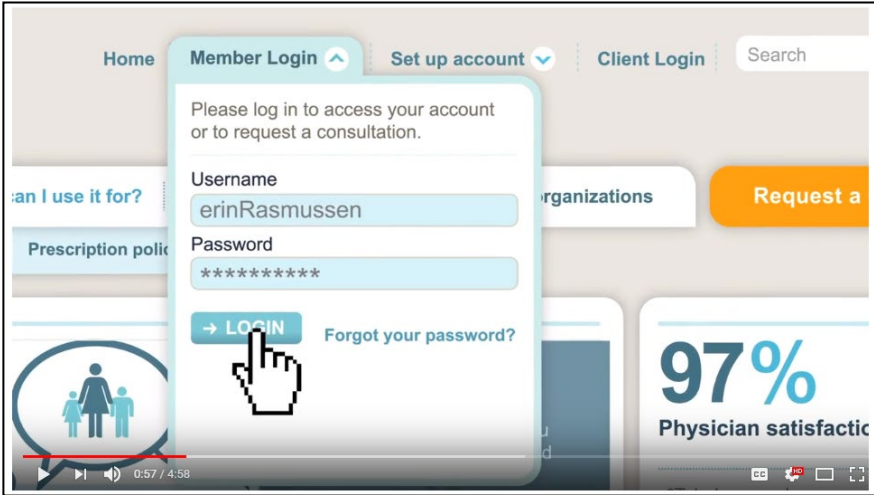
Claim 10	Accused Product or Service
	 <p><b>Attachment 5 (Meet the doctors: Glenn Kerr, MD (Webpage, 2018)) at 1.</b></p> <p>Teladoc profile of each participant is associated with information such as biographical information which also includes the geographic region or location related information.</p>
<p>enable a user to communicate with a selected participant that (i) is not known to the user, and (ii) is familiar with a</p>	<p>Plaintiff contends that by using Teladoc Telehealth Service (that is, on-demand healthcare service), user or patient can communicate with one or more unknown participants or providers of a specific location or geographic region so that the user can discuss about any medical problem or issue specifically within the geographic region.</p>

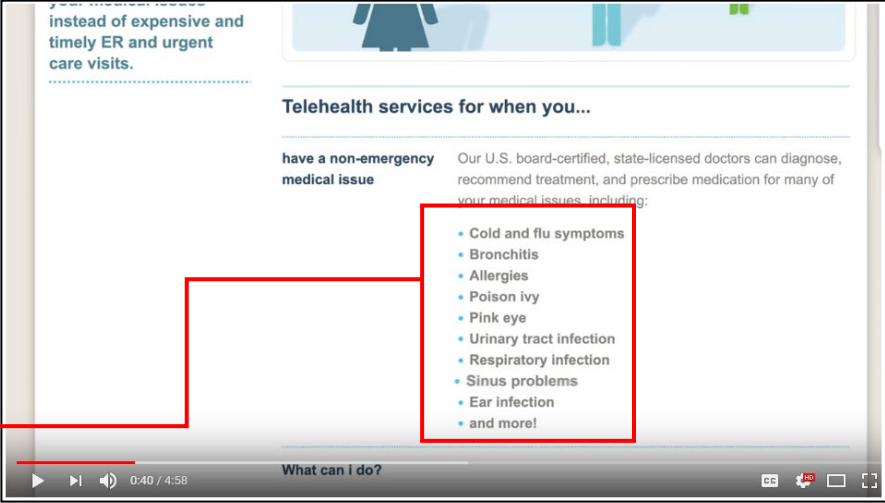
Claim 10	Accused Product or Service
<p>geographic region of interest to the user, in order for the user to learn more information about a problem or interest the user has that is specific to the geographic region, wherein enabling the user to communicate with the participant is performed by:</p>	<div data-bbox="548 405 1421 779" style="border: 1px solid black; border-radius: 15px; padding: 10px; margin-bottom: 10px;"> <p>By using Teladoc Telehealth Service, user or patient can submit his request (e.g., medical issues, etc.). Teladoc matches user’s request with the information of one or more participants or providers and sends or shares the user’s request along with other details to one or more providers (not known to the user). After which, user receives responses from the shortlisted one or more participants. User can further communicate with one or more selected participants.</p> </div> <div data-bbox="540 842 1421 1050" style="border: 1px solid black; padding: 5px; margin-bottom: 10px;"> <p><b>Do I talk to “real doctors”?</b>                      Yes. Teladoc members only talk to actual doctors who are U.S. board-certified internists, state-licensed family practitioners, and pediatricians licensed to practice medicine in the U.S. and living in the U.S. <b>When you request a consult, Teladoc will connect you with a doctor licensed in your state.</b></p> </div> <p><b>Attachment 9 (Frequently asked questions   Teladoc (Webpage, 2014)) at 1.</b></p> <div data-bbox="540 1178 1421 1472" style="border: 1px solid black; padding: 5px; margin-bottom: 10px;"> <p>Teladoc Health, Inc., formerly Teladoc, Inc., incorporated on October 16, 2008, is a telehealth company. The Company offers telehealth platform, delivering on-demand healthcare anytime, anywhere, through mobile devices, the Internet, video and phone. The Company’s solution connects its Members, with its over 3,000 board certified physicians and behavioral health professionals treating a range of conditions and cases from acute diagnoses, such as upper respiratory infection, urinary tract infection and sinusitis to dermatological conditions, anxiety and smoking cessation. As of July 17, 2017, it served over 7,500 employers, health plans, health systems and other entities. As of July 17, 2017, these clients collectively purchased access to its solution for more than 20 million Members. As of December 31, 2016, it had over 30 health plans as Clients.</p> </div> <p><b>Attachment 4 (Teladoc Health Inc (TDOC.N) Company Profile   Reuters.com (Webpage, 2018)) at 1.</b></p>



Claim 10	Accused Product or Service
	<p>The Company's integrated platform supports access to, and evaluation of, information from a <b>range of healthcare network participants</b>. The Company's enterprise scale platform is offered for <b>real time sharing of clinical and non-clinical data in real time</b> among the Teladoc constituents, which include <b>Members, Providers</b>, physician network operations center staff, nurses, SureScripts for electronic medication prescription writing, routing and fulfillment and health plans for real time eligibility checking, real time Member financial responsibility calculations, claims processing, clinical summaries and clinical alerts.</p> <p>The Company's Provider network controls its technology platform for <b>managing custom visit queues that automatically and instantly route available visits to appropriate Providers</b> based upon algorithms. Providers use its <b>Internet based application or iPhone operating system (iOS) application</b> for viewing their visit queue, scheduling visits and its workflow for reviewing Members' medical history and symptoms, documenting the actual visits, e-Prescribing, if appropriate, and sending applicable medical content with follow up instructions to the Member through a secure message center.</p> <p><b><i>Id. at 1.</i></b></p>  <p>[Snapshot taken from the video available at link: <a href="https://www.youtube.com/watch?v=40_n1ygXIVE">https://www.youtube.com/watch?v=40_n1ygXIVE</a>]</p>  <p>Location information</p>

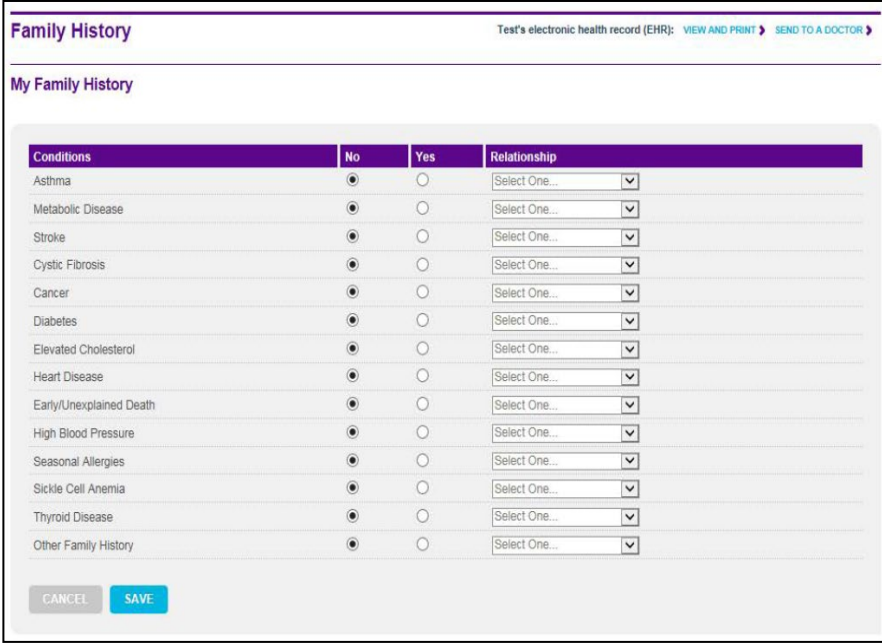
Claim 10	Accused Product or Service
	<p><b>[Snapshot taken from the video available at link: <a href="https://www.youtube.com/watch?v=40_n1ygXIVE">https://www.youtube.com/watch?v=40_n1ygXIVE</a>]</b></p> <div data-bbox="542 380 1409 627" style="border: 1px solid black; border-radius: 15px; padding: 10px;"> <p>User can submit his information such as medical issues, family history, etc. along with location information and can request a consult (in which case the provider remains unknown to the user). Based on user's provided information, Teladoc automatically selects appropriate provider(s) to address user's issue.</p> </div> <div data-bbox="542 653 1414 1201" style="border: 1px solid black; padding: 10px;">  </div> <p><b>[Snapshot taken from the video available at link: <a href="https://www.youtube.com/watch?v=40_n1ygXIVE">https://www.youtube.com/watch?v=40_n1ygXIVE</a>]</b></p> <div data-bbox="542 1339 1409 1455" style="border: 1px solid black; border-radius: 15px; padding: 10px;"> <p>User can further communicate with one or more selected participants to discuss his or her issues.</p> </div>
<p>presenting the user with a plurality of categories from which the user may make a selection of a category from the plurality of categories;</p>	<p>Plaintiff contends that in case of Teladoc Telehealth Service, user or patient can create member account in Teladoc.com website by providing details such as personal details, family history, medical data, etc. and can select one or more categories from plurality of available categories.</p>

Claim 10	Accused Product or Service
<p data-bbox="215 856 500 1251">Please note that there are different types of categories available from which user can select one or more categories.</p>	 <p data-bbox="540 1304 1227 1381"><b>[Snapshot taken from the video available at link: <a href="https://www.youtube.com/watch?v=40_n1ygXIVE">https://www.youtube.com/watch?v=40_n1ygXIVE</a>]</b></p>

Claim 10	Accused Product or Service
<p data-bbox="203 569 495 871">As an example, user can select one or more medical conditions before consultation.</p>	 <p data-bbox="542 793 1227 869"><b>[Snapshot taken from the video available at link: <a href="https://www.youtube.com/watch?v=40_n1ygXIVE">https://www.youtube.com/watch?v=40_n1ygXIVE</a>]</b></p> <p data-bbox="542 951 1419 1026">Some examples of category selection from plurality of categories are given below:</p>

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<div style="border: 1px solid black; padding: 5px; margin-bottom: 10px;"> <b>Health Problems</b> </div> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr style="background-color: #f2f2f2;"> <th style="width: 45%;"></th> <th style="width: 5%;"></th> <th style="width: 5%;">No</th> <th style="width: 5%;">Yes</th> <th style="width: 40%;"></th> <th style="width: 5%;"></th> <th style="width: 5%;">No</th> <th style="width: 5%;">Yes</th> </tr> </thead> <tbody> <tr><td>Asthma</td><td><input checked="" type="radio"/></td><td><input type="radio"/></td><td></td><td>Pneumonia</td><td><input checked="" type="radio"/></td><td><input type="radio"/></td><td></td></tr> <tr><td>Chronic Cough</td><td><input checked="" type="radio"/></td><td><input type="radio"/></td><td></td><td>Frequent Colds</td><td><input checked="" type="radio"/></td><td><input type="radio"/></td><td></td></tr> <tr><td>H1N1/ Swine Flu</td><td><input checked="" type="radio"/></td><td><input type="radio"/></td><td></td><td>Seasonal Allergies</td><td><input checked="" type="radio"/></td><td><input type="radio"/></td><td></td></tr> <tr><td>Lung Problems</td><td><input checked="" type="radio"/></td><td><input type="radio"/></td><td></td><td>Liver or Pancreas Problems</td><td><input checked="" type="radio"/></td><td><input type="radio"/></td><td></td></tr> <tr><td>Kidney Problems</td><td><input checked="" type="radio"/></td><td><input type="radio"/></td><td></td><td>Elevated Cholesterol or Trglycerides</td><td><input checked="" type="radio"/></td><td><input type="radio"/></td><td></td></tr> <tr><td>Stomach Pain</td><td><input checked="" type="radio"/></td><td><input type="radio"/></td><td></td><td>Stomach Ulcers</td><td><input checked="" type="radio"/></td><td><input type="radio"/></td><td></td></tr> <tr><td>Anemia</td><td><input checked="" type="radio"/></td><td><input type="radio"/></td><td></td><td>High Blood Pressure</td><td><input checked="" type="radio"/></td><td><input type="radio"/></td><td></td></tr> <tr><td>Diabetes</td><td><input checked="" type="radio"/></td><td><input type="radio"/></td><td></td><td>Heart Problems</td><td><input checked="" type="radio"/></td><td><input type="radio"/></td><td></td></tr> <tr><td>Swollen Painful Joints</td><td><input checked="" type="radio"/></td><td><input type="radio"/></td><td></td><td>Chronic Muscle Aches</td><td><input checked="" type="radio"/></td><td><input type="radio"/></td><td></td></tr> <tr><td>Hand/Arm Problems</td><td><input checked="" type="radio"/></td><td><input type="radio"/></td><td></td><td>Leg/Feet Problems</td><td><input checked="" type="radio"/></td><td><input type="radio"/></td><td></td></tr> <tr><td>Nose Bleeds</td><td><input checked="" type="radio"/></td><td><input type="radio"/></td><td></td><td>Headaches/Migraines</td><td><input checked="" type="radio"/></td><td><input type="radio"/></td><td></td></tr> <tr><td>Throat Problems</td><td><input checked="" type="radio"/></td><td><input type="radio"/></td><td></td><td>Mouth Sores</td><td><input checked="" type="radio"/></td><td><input type="radio"/></td><td></td></tr> <tr><td>High Blood Sugar</td><td><input checked="" type="radio"/></td><td><input type="radio"/></td><td></td><td>Chronic Diarrhea</td><td><input checked="" type="radio"/></td><td><input type="radio"/></td><td></td></tr> <tr><td>Chronic Constipation</td><td><input checked="" type="radio"/></td><td><input type="radio"/></td><td></td><td>Urinary Tract Infections</td><td><input checked="" type="radio"/></td><td><input type="radio"/></td><td></td></tr> <tr><td>Breast Problems</td><td><input checked="" type="radio"/></td><td><input type="radio"/></td><td></td><td>Digestive/Stomach Problems</td><td><input checked="" type="radio"/></td><td><input type="radio"/></td><td></td></tr> <tr><td>Hepatitis</td><td><input checked="" type="radio"/></td><td><input type="radio"/></td><td></td><td>HIV/AIDS</td><td><input checked="" type="radio"/></td><td><input type="radio"/></td><td></td></tr> <tr><td>Sleep Apnea</td><td><input checked="" type="radio"/></td><td><input type="radio"/></td><td></td><td>Cancer</td><td><input checked="" type="radio"/></td><td><input type="radio"/></td><td></td></tr> <tr><td>Blood Disorder</td><td><input checked="" type="radio"/></td><td><input type="radio"/></td><td></td><td>Heart Disease</td><td><input checked="" type="radio"/></td><td><input type="radio"/></td><td></td></tr> <tr><td>Skin Problems</td><td><input checked="" type="radio"/></td><td><input type="radio"/></td><td></td><td>Psychological Disorders</td><td><input checked="" type="radio"/></td><td><input type="radio"/></td><td></td></tr> <tr><td>Depression</td><td><input checked="" type="radio"/></td><td><input type="radio"/></td><td></td><td>Ear Problems</td><td><input checked="" type="radio"/></td><td><input type="radio"/></td><td></td></tr> <tr><td>Hearing Problems</td><td><input checked="" type="radio"/></td><td><input type="radio"/></td><td></td><td>Contact/Lenses</td><td><input checked="" type="radio"/></td><td><input type="radio"/></td><td></td></tr> <tr><td>Seizure Problems</td><td><input checked="" type="radio"/></td><td><input type="radio"/></td><td></td><td>Stroke</td><td><input checked="" type="radio"/></td><td><input type="radio"/></td><td></td></tr> <tr><td>ADD/ADHD</td><td><input checked="" type="radio"/></td><td><input type="radio"/></td><td></td><td>Metabolic Disease</td><td><input checked="" type="radio"/></td><td><input type="radio"/></td><td></td></tr> <tr><td>Tonsil/Adenoid Problems</td><td><input checked="" type="radio"/></td><td><input type="radio"/></td><td></td><td>Thyroid Disorder</td><td><input checked="" type="radio"/></td><td><input type="radio"/></td><td></td></tr> <tr><td>Ovaries or Uterus Problems</td><td><input checked="" type="radio"/></td><td><input type="radio"/></td><td></td><td>Heart Surgery</td><td><input checked="" type="radio"/></td><td><input type="radio"/></td><td></td></tr> <tr><td>Laser Eye Surgery</td><td><input checked="" type="radio"/></td><td><input type="radio"/></td><td></td><td>Undergone Surgery</td><td><input checked="" type="radio"/></td><td><input type="radio"/></td><td></td></tr> <tr><td>Joint or Muscle Problems</td><td><input checked="" type="radio"/></td><td><input type="radio"/></td><td></td><td>Back/Chronic Pain</td><td><input checked="" type="radio"/></td><td><input type="radio"/></td><td></td></tr> <tr><td>Gout</td><td><input checked="" type="radio"/></td><td><input type="radio"/></td><td></td><td>Testicles or Prostate Problems</td><td><input checked="" type="radio"/></td><td><input type="radio"/></td><td></td></tr> <tr><td>Hospitalization</td><td><input checked="" type="radio"/></td><td><input type="radio"/></td><td></td><td>Other Problems</td><td></td><td><input type="text" value=""/></td><td></td></tr> <tr><td>Incontinence</td><td><input checked="" type="radio"/></td><td><input type="radio"/></td><td></td><td></td><td></td><td></td><td></td></tr> </tbody> </table>			No	Yes			No	Yes	Asthma	<input checked="" type="radio"/>	<input type="radio"/>		Pneumonia	<input checked="" type="radio"/>	<input type="radio"/>		Chronic Cough	<input checked="" type="radio"/>	<input type="radio"/>		Frequent Colds	<input checked="" type="radio"/>	<input type="radio"/>		H1N1/ Swine Flu	<input checked="" type="radio"/>	<input type="radio"/>		Seasonal Allergies	<input checked="" type="radio"/>	<input type="radio"/>		Lung Problems	<input checked="" type="radio"/>	<input type="radio"/>		Liver or Pancreas Problems	<input checked="" type="radio"/>	<input type="radio"/>		Kidney Problems	<input checked="" type="radio"/>	<input type="radio"/>		Elevated Cholesterol or Trglycerides	<input checked="" type="radio"/>	<input type="radio"/>		Stomach Pain	<input checked="" type="radio"/>	<input type="radio"/>		Stomach Ulcers	<input checked="" type="radio"/>	<input type="radio"/>		Anemia	<input 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type="radio"/>		Chronic Constipation	<input checked="" type="radio"/>	<input type="radio"/>		Urinary Tract Infections	<input checked="" type="radio"/>	<input type="radio"/>		Breast Problems	<input checked="" type="radio"/>	<input type="radio"/>		Digestive/Stomach Problems	<input checked="" type="radio"/>	<input type="radio"/>		Hepatitis	<input checked="" type="radio"/>	<input type="radio"/>		HIV/AIDS	<input checked="" type="radio"/>	<input type="radio"/>		Sleep Apnea	<input checked="" type="radio"/>	<input type="radio"/>		Cancer	<input checked="" type="radio"/>	<input type="radio"/>		Blood Disorder	<input checked="" type="radio"/>	<input type="radio"/>		Heart Disease	<input checked="" type="radio"/>	<input type="radio"/>		Skin Problems	<input checked="" type="radio"/>	<input type="radio"/>		Psychological Disorders	<input checked="" type="radio"/>	<input type="radio"/>		Depression	<input checked="" type="radio"/>	<input type="radio"/>		Ear Problems	<input checked="" type="radio"/>	<input type="radio"/>		Hearing Problems	<input checked="" type="radio"/>	<input type="radio"/>		Contact/Lenses	<input checked="" type="radio"/>	<input type="radio"/>		Seizure Problems	<input checked="" type="radio"/>	<input type="radio"/>		Stroke	<input checked="" type="radio"/>	<input type="radio"/>		ADD/ADHD	<input checked="" type="radio"/>	<input type="radio"/>		Metabolic Disease	<input checked="" type="radio"/>	<input type="radio"/>		Tonsil/Adenoid Problems	<input checked="" type="radio"/>	<input type="radio"/>		Thyroid Disorder	<input checked="" type="radio"/>	<input type="radio"/>		Ovaries or Uterus Problems	<input checked="" type="radio"/>	<input type="radio"/>		Heart Surgery	<input checked="" type="radio"/>	<input type="radio"/>		Laser Eye Surgery	<input checked="" type="radio"/>	<input type="radio"/>		Undergone Surgery	<input checked="" type="radio"/>	<input type="radio"/>		Joint or Muscle Problems	<input checked="" type="radio"/>	<input 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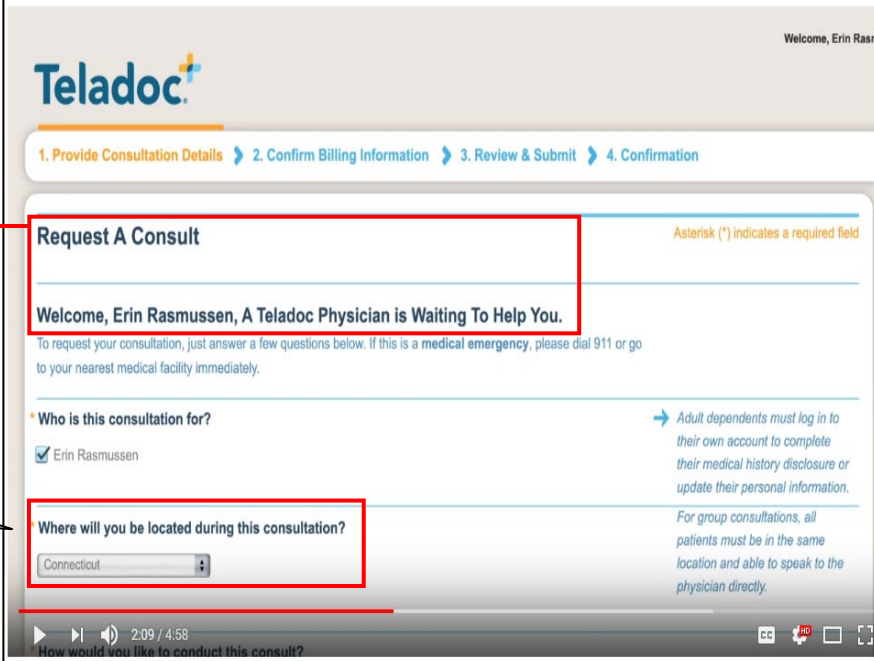
Claim 10	Accused Product or Service																																																																
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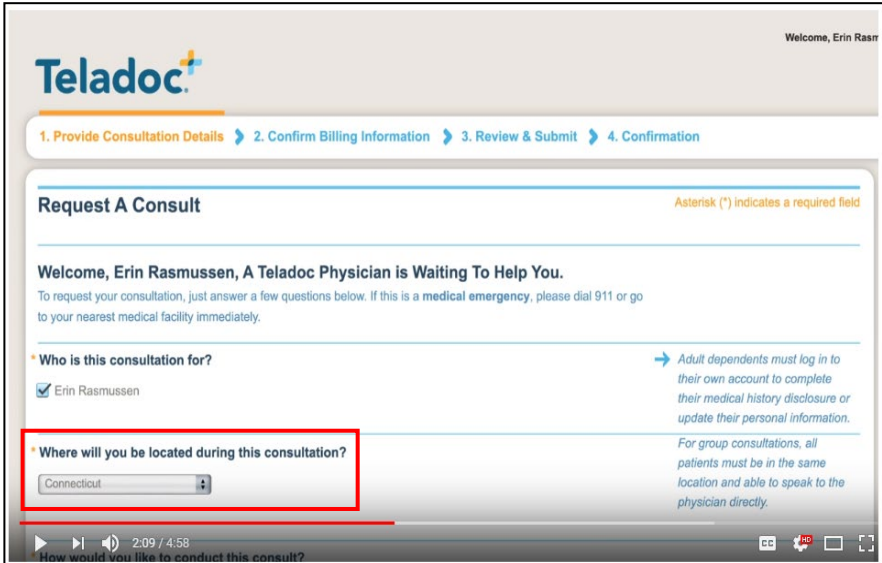
Claim 10	Accused Product or Service
	<p><i>Id. at 7 of 10.</i></p>  <p><i>Id. at 8 of 10.</i></p>
<p>receiving the selection of the category by the user;</p> <p>in conjunction with the selection of the category, receiving an electronic communication from the user for an unidentified respondent, wherein the electronic communication contains an inquiry of the user, the inquiry specifying a particular location that corresponds to</p>	<p>Plaintiff contends that user selects at least one category from plurality of categories (some examples of category selection are mentioned above). An inquiry message is also received from the user for unidentified respondent along with selection of the category. The inquiry also specifies a particular location of user’s interest.</p>

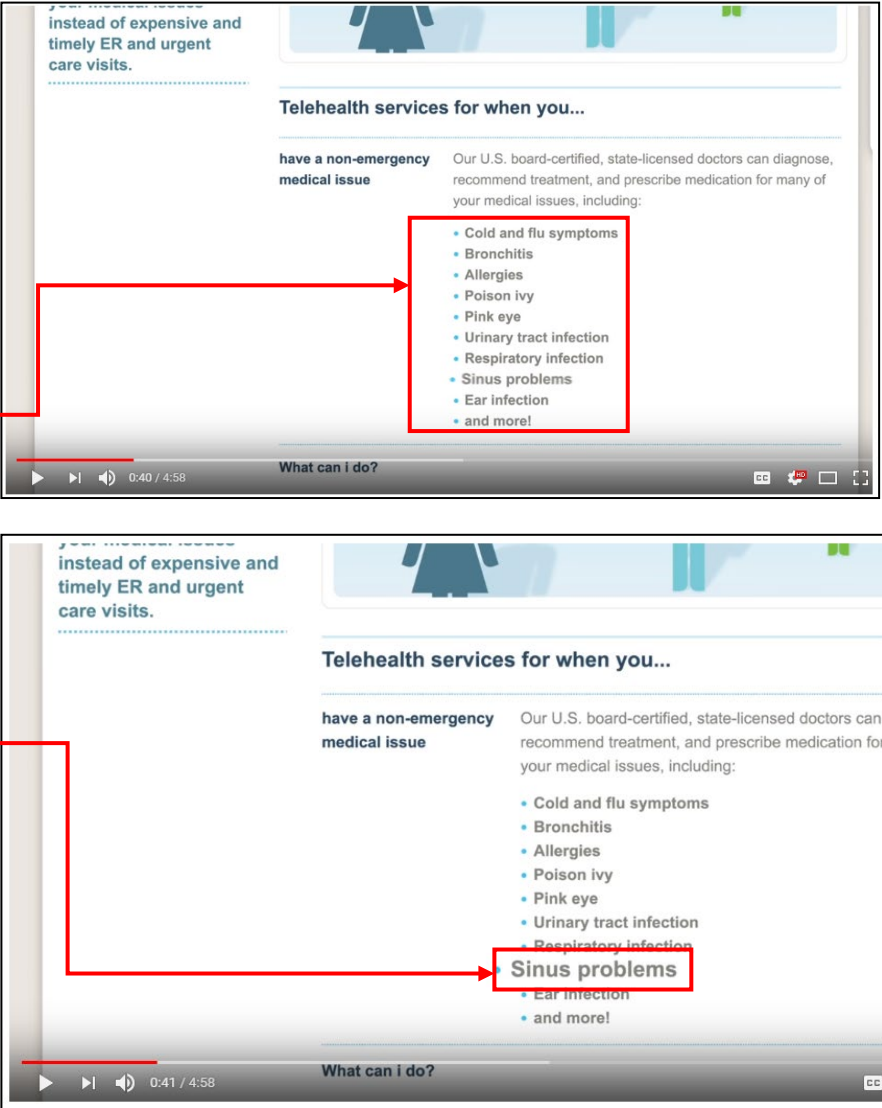
Claim 10	Accused Product or Service
<p>the geographic region of interest;</p> <div data-bbox="228 443 490 800" style="border: 1px solid black; border-radius: 15px; padding: 10px; margin: 10px 0;"> <p>As an example, user can select one or more medical conditions before consultation.</p> </div>	<div data-bbox="540 264 1393 804"> </div> <p>[Snapshot taken from the video available at link: <a href="https://www.youtube.com/watch?v=40_n1ygXIVE">https://www.youtube.com/watch?v=40_n1ygXIVE</a>]</p> <div data-bbox="540 932 1414 1507"> </div> <p>[Snapshot taken from the video available at link: <a href="https://www.youtube.com/watch?v=40_n1ygXIVE">https://www.youtube.com/watch?v=40_n1ygXIVE</a>]</p>

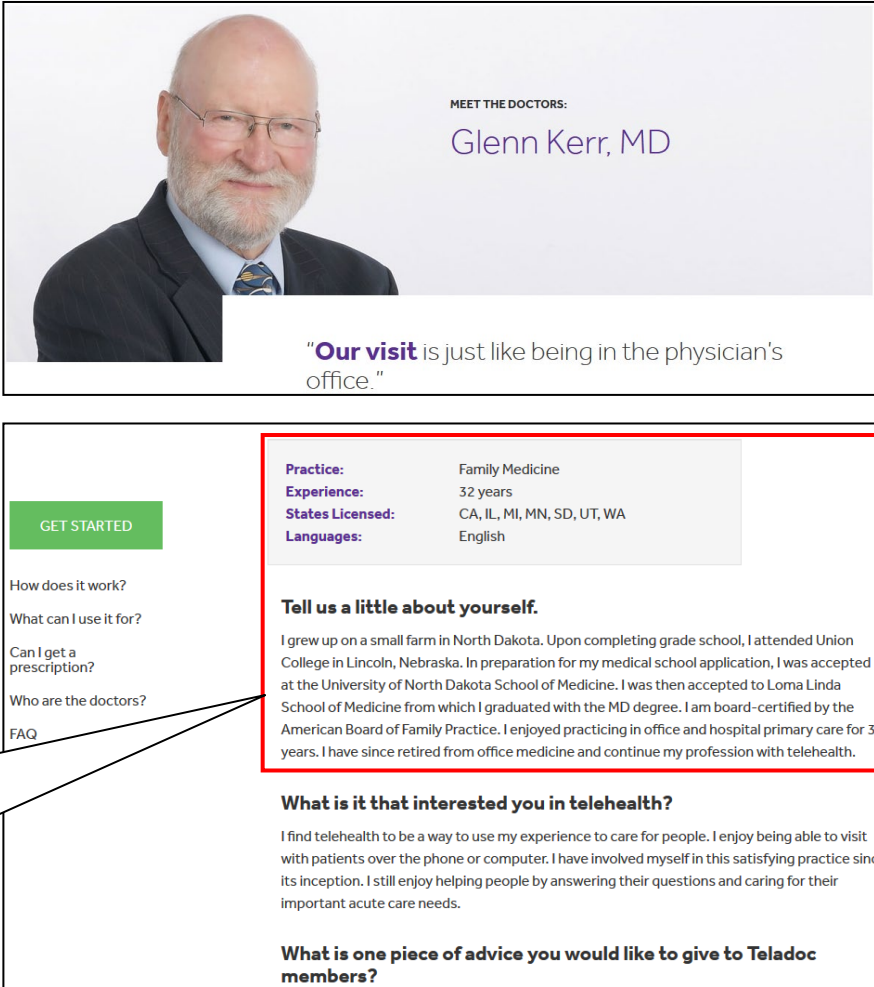


Claim 10	Accused Product or Service																																																																							
<p data-bbox="217 407 496 915">User can select one or more categories and as an inquiry, can provide other details and answer few questions. User also specifies particular location.</p>	<div data-bbox="539 323 1416 949"> <p><b>Lifestyle</b></p> <p><b>My Lifestyle</b></p> <table border="1"> <thead> <tr> <th>Conditions</th> <th>Status</th> </tr> </thead> <tbody> <tr> <td>Use Recreational Drugs</td> <td><input type="radio"/> Yes <input checked="" type="radio"/> No</td> </tr> <tr> <td>Get 8 Hrs Sleep Daily</td> <td><input checked="" type="radio"/> Yes <input type="radio"/> No</td> </tr> <tr> <td>Work Around Hazardous/Toxic Chemicals</td> <td><input type="radio"/> Yes <input checked="" type="radio"/> No</td> </tr> <tr> <td>High Blood Pressure</td> <td><input type="radio"/> Yes <input checked="" type="radio"/> No</td> </tr> <tr> <td>Traveled Overseas In The Last 2 Months</td> <td><input type="radio"/> Yes <input checked="" type="radio"/> No</td> </tr> <tr> <td>Exercise</td> <td><input type="radio"/> Yes <input checked="" type="radio"/> No</td> </tr> <tr> <td>Yearly Flu Shots</td> <td><input type="radio"/> Yes <input checked="" type="radio"/> No</td> </tr> <tr> <td>Smoke/Use Tobacco</td> <td><input type="radio"/> Yes <input checked="" type="radio"/> No</td> </tr> <tr> <td>Take Medication</td> <td><input type="radio"/> Yes <input checked="" type="radio"/> No</td> </tr> <tr> <td>Drink Alcohol</td> <td><input type="radio"/> Yes <input checked="" type="radio"/> No</td> </tr> <tr> <td>Have A Chronic Condition</td> <td><input type="radio"/> Yes <input checked="" type="radio"/> No</td> </tr> <tr> <td>Been Disabled</td> <td><input type="radio"/> Yes <input checked="" type="radio"/> No</td> </tr> </tbody> </table> </div> <div data-bbox="539 987 1416 1650"> <p><b>My Family History</b></p> <table border="1"> <thead> <tr> <th>Conditions</th> <th>Status</th> <th>Relationship</th> </tr> </thead> <tbody> <tr> <td>Sickle Cell Anemia</td> <td><input type="radio"/> Yes <input checked="" type="radio"/> No</td> <td>Select</td> </tr> <tr> <td>Asthma</td> <td><input type="radio"/> Yes <input checked="" type="radio"/> No</td> <td>Child</td> </tr> <tr> <td>Elevated Cholesterol</td> <td><input checked="" type="radio"/> Yes <input type="radio"/> No</td> <td>Grandparent</td> </tr> <tr> <td>Thyroid Disease</td> <td><input type="radio"/> Yes <input checked="" type="radio"/> No</td> <td>Other</td> </tr> <tr> <td>Metabolic Disease</td> <td><input type="radio"/> Yes <input checked="" type="radio"/> No</td> <td>Parent</td> </tr> <tr> <td>Heart Disease</td> <td><input type="radio"/> Yes <input checked="" type="radio"/> No</td> <td>Sibling</td> </tr> <tr> <td>Stroke</td> <td><input type="radio"/> Yes <input checked="" type="radio"/> No</td> <td>Select</td> </tr> <tr> <td>Early/Unexplained Death</td> <td><input type="radio"/> Yes <input checked="" type="radio"/> No</td> <td>Select</td> </tr> <tr> <td>Cystic Fibrosis</td> <td><input type="radio"/> Yes <input checked="" type="radio"/> No</td> <td>Select</td> </tr> <tr> <td>High Blood Pressure</td> <td><input type="radio"/> Yes <input checked="" type="radio"/> No</td> <td>Select</td> </tr> <tr> <td>Cancer</td> <td><input type="radio"/> Yes <input checked="" type="radio"/> No</td> <td>Select</td> </tr> <tr> <td>Seasonal Allergies</td> <td><input type="radio"/> Yes <input checked="" type="radio"/> No</td> <td>Select</td> </tr> <tr> <td>Diabetes</td> <td><input type="radio"/> Yes <input checked="" type="radio"/> No</td> <td>Select</td> </tr> <tr> <td>Other</td> <td><input type="text"/></td> <td>Select</td> </tr> </tbody> </table> </div> <p data-bbox="539 1688 1224 1764"><b>[Snapshot taken from the video available at link: <a href="https://www.youtube.com/watch?v=40_n1ygXIVE">https://www.youtube.com/watch?v=40_n1ygXIVE</a>]</b></p>	Conditions	Status	Use Recreational Drugs	<input type="radio"/> Yes <input checked="" type="radio"/> No	Get 8 Hrs Sleep Daily	<input checked="" type="radio"/> Yes <input type="radio"/> No	Work Around Hazardous/Toxic Chemicals	<input type="radio"/> Yes <input checked="" type="radio"/> No	High Blood Pressure	<input 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Disease	<input type="radio"/> Yes <input checked="" type="radio"/> No	Other	Metabolic Disease	<input type="radio"/> Yes <input checked="" type="radio"/> No	Parent	Heart Disease	<input type="radio"/> Yes <input checked="" type="radio"/> No	Sibling	Stroke	<input type="radio"/> Yes <input checked="" type="radio"/> No	Select	Early/Unexplained Death	<input type="radio"/> Yes <input checked="" type="radio"/> No	Select	Cystic Fibrosis	<input type="radio"/> Yes <input checked="" type="radio"/> No	Select	High Blood Pressure	<input type="radio"/> Yes <input checked="" type="radio"/> No	Select	Cancer	<input type="radio"/> Yes <input checked="" type="radio"/> No	Select	Seasonal Allergies	<input type="radio"/> Yes <input checked="" type="radio"/> No	Select	Diabetes	<input type="radio"/> Yes <input checked="" type="radio"/> No	Select	Other	<input type="text"/>	Select
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Claim 10	Accused Product or Service
<p data-bbox="227 604 435 718">Unidentified Respondent</p> <p data-bbox="207 877 435 991">Location information</p>	 <p data-bbox="540 1094 1227 1167"><b>[Snapshot taken from the video available at link: <a href="https://www.youtube.com/watch?v=40_n1ygXIVE">https://www.youtube.com/watch?v=40_n1ygXIVE</a>]</b></p>
<p data-bbox="203 1213 506 1873">after receiving the selection of the category by the user, programmatically making a selection of at least one participant for receiving the electronic communication based at least in part on (i) the selection of the category, (ii) the information associated with the at least one participant,</p>	<p data-bbox="540 1213 1421 1495">Plaintiff contends that after receiving user’s selection of the category, Teladoc programmatically makes a selection of at least one participant based on user’s selection of the category and information associated with each participant profile including geographic region identified by the biographic information of the participant corresponding to the particular location that is specified in the inquiry.</p> <div data-bbox="540 1579 1421 1780" style="border: 1px solid black; padding: 5px;"> <p data-bbox="548 1585 1412 1774">The Company's Provider network controls its technology platform for managing custom visit queues that automatically and instantly route available visits to appropriate Providers based upon algorithms. Providers use its Internet based application or iPhone operating system (iOS) application for viewing their visit queue, scheduling visits and its workflow for reviewing Members' medical history and symptoms, documenting the actual visits, e- Prescribing, if appropriate, and sending applicable medical content with follow up instructions to the Member through</p> </div> <p data-bbox="540 1810 1399 1885"><b>Attachment 4 (Teladoc Health Inc (TDOC.N) Company Profile   Reuters.com (Webpage, 2018)) at 1.</b></p>

Claim 10	Accused Product or Service
<p>including the geographic region identified by the biographic information of the at least one participant corresponding to the particular location that is specified in the inquiry;</p>	<div data-bbox="532 415 1416 667" style="border: 1px solid black; border-radius: 15px; padding: 10px; margin-bottom: 20px;"> <p>For example, if a user has sinus problem and has also mentioned to receive consultation in Connecticut location, then one or providers will be shortlisted with specialization in resolving sinus related problems and based on user’s selection of location, for example, Connecticut in this case.</p> </div> <div data-bbox="539 726 1416 1285" style="border: 1px solid black; padding: 10px; margin-bottom: 20px;">  </div> <p><b>[Snapshot taken from the video available at link: <a href="https://www.youtube.com/watch?v=40_n1ygXIVE">https://www.youtube.com/watch?v=40_n1ygXIVE</a>]</b></p> <div data-bbox="539 1486 1409 1688" style="border: 1px solid black; padding: 10px; margin-bottom: 20px;"> <p><b>Do I talk to “real doctors”?</b>          Yes. Teladoc members only talk to actual doctors who are U.S. board-certified internists, state-licensed family practitioners, and pediatricians licensed to practice medicine in the U.S. and living in the U.S. When you request a consult, Teladoc will connect you with a doctor licensed in your state.</p> </div> <p><b>Attachment 9 (Frequently asked questions   Teladoc (Webpage, 2014)) at 1.</b></p>

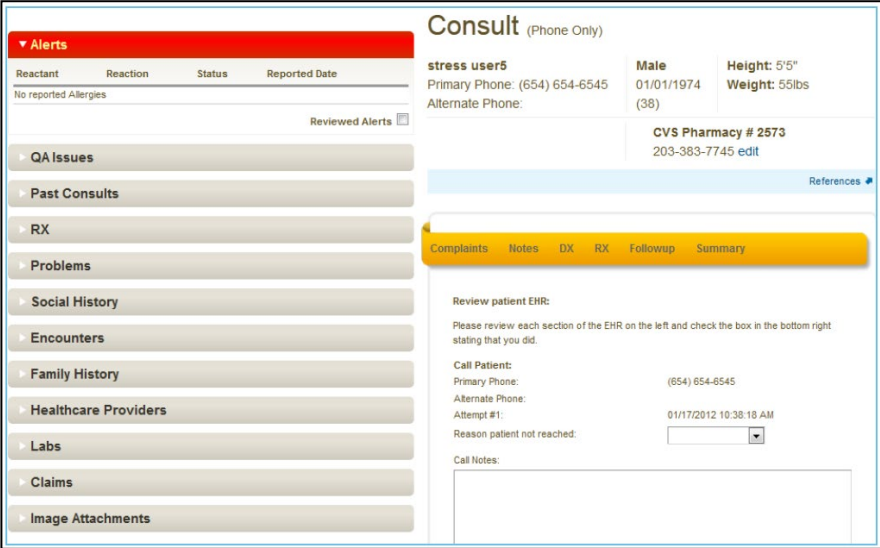
Claim 10	Accused Product or Service
<p data-bbox="217 743 493 1222">User can select one or more medical conditions and also provide other details such as personal details, medical details, family history, etc.</p>	 <p data-bbox="542 1566 1224 1642">[Snapshot taken from the video available at link: <a href="https://www.youtube.com/watch?v=40_n1ygXIVE">https://www.youtube.com/watch?v=40_n1ygXIVE</a>]</p>

Claim 10	Accused Product or Service
<p>Information associated with the participant, including the geographic region</p>	 <p><b>Attachment 5 (Meet the doctors: Glenn Kerr, MD (Webpage, 2018)) at 1.</b></p>
<p>sending the inquiry to one or more participants of the selection without identifying the one or more participants to the user;</p>	<p>Plaintiff contends that user’s inquiry message is shared with shortlisted one or more participants or providers. That is, the user doesn’t identify any of the participants.</p>

Claim 10	Accused Product or Service
<p data-bbox="207 646 428 779">Unidentified Respondent</p>	<div data-bbox="540 380 1422 1045"> </div> <p data-bbox="540 1073 1227 1150"><b>[Snapshot taken from the video available at link: <a href="https://www.youtube.com/watch?v=40_n1ygXIVE">https://www.youtube.com/watch?v=40_n1ygXIVE</a>]</b></p> <div data-bbox="540 1234 1422 1444"> <p>The Company's Provider network controls its technology platform for managing custom visit queues that automatically and instantly route available visits to appropriate Providers based upon algorithms. Providers use its Internet based application or iPhone operating system (iOS) application for viewing their visit queue, scheduling visits and its workflow for reviewing Members' medical history and symptoms, documenting the actual visits, e-Prescribing, if appropriate, and sending applicable medical content with follow up instructions to the Member through</p> </div> <p data-bbox="540 1472 1422 1549"><b>Attachment 4 (Teladoc Health Inc (TDOC.N) Company Profile   Reuters.com (Webpage, 2018)) at 1.</b></p>

Claim 10	Accused Product or Service
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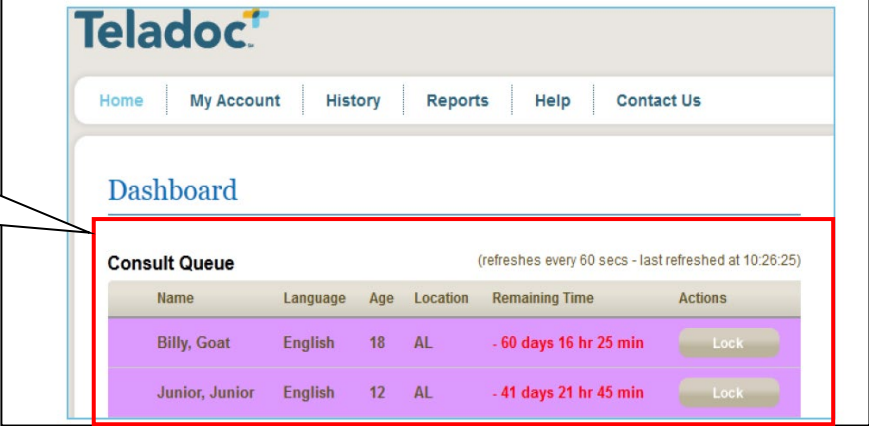
User's inquiry is shared with one or more providers (Provider's Dashboard)



**Attachment 7 (Teladoc Physician Training (2012)) at 6.**

Sample home page displaying the consult queue:

User's inquiry (in queue)

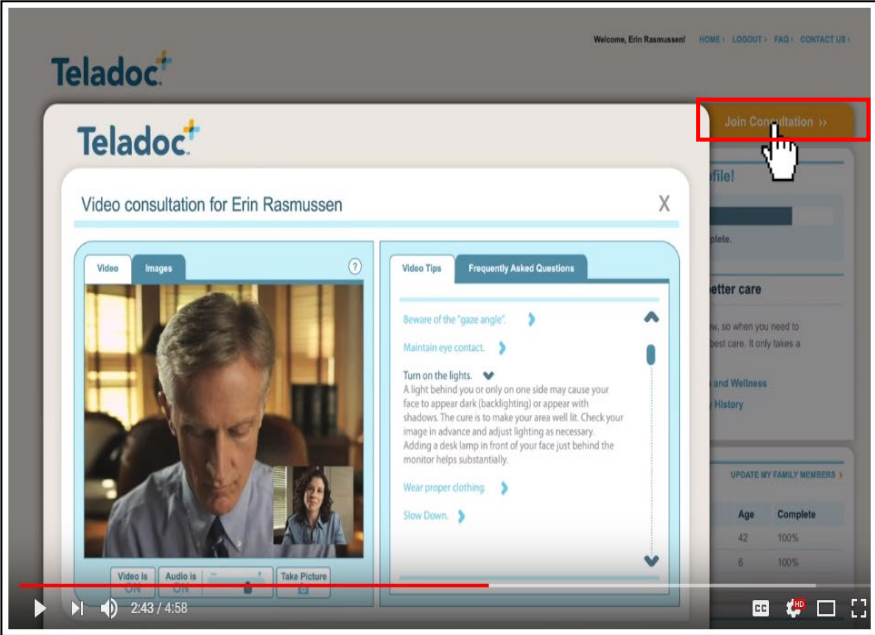
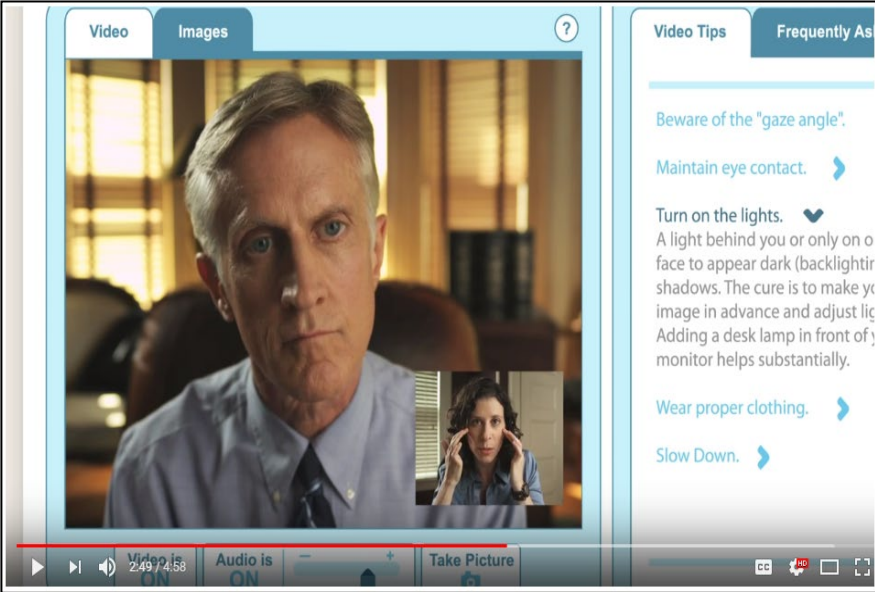


**Id. at 4.**

enabling any of the one or more participants to provide a response

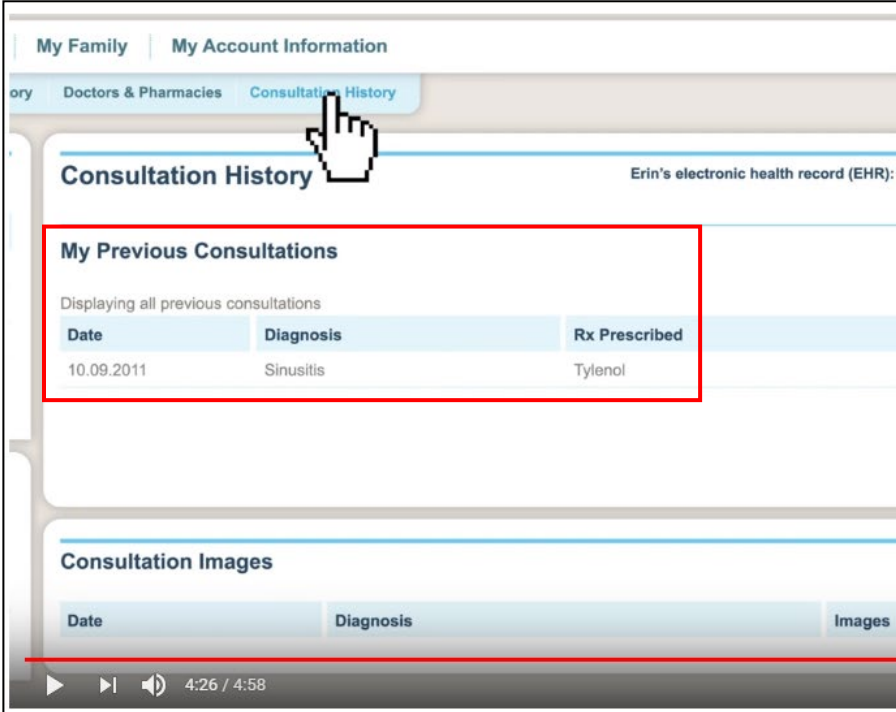
Plaintiff contends that each participant can provide response to the inquiry through use of a communication forum. Each response also includes information about the participant sending the response.

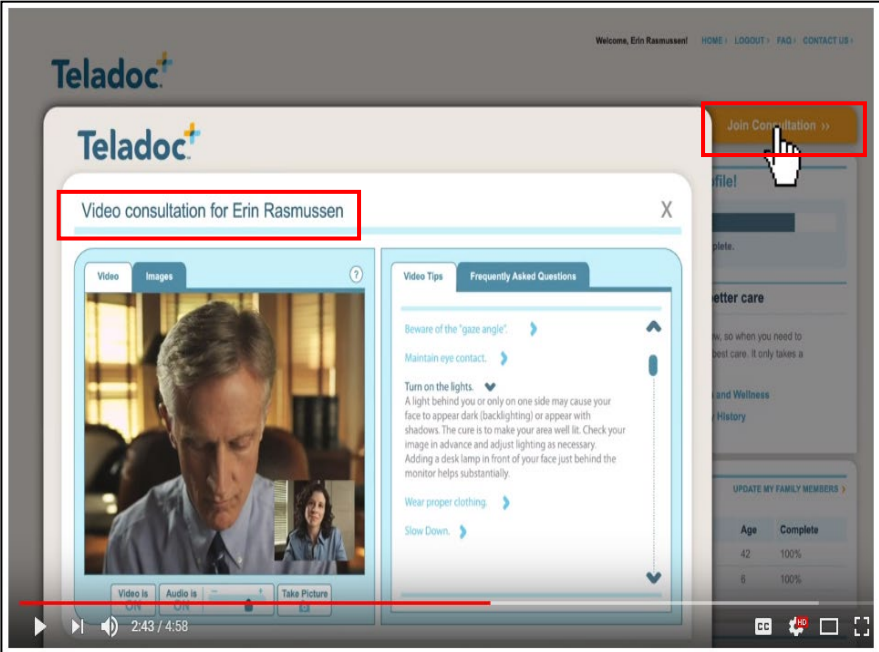
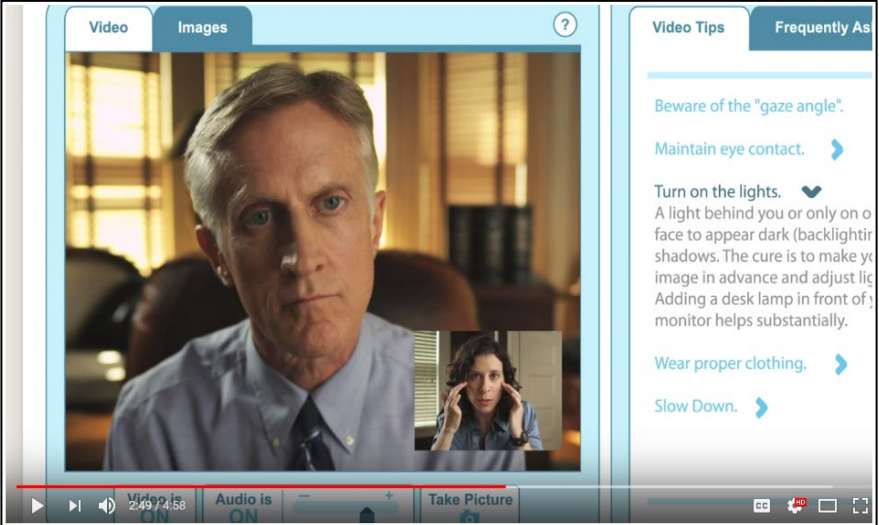


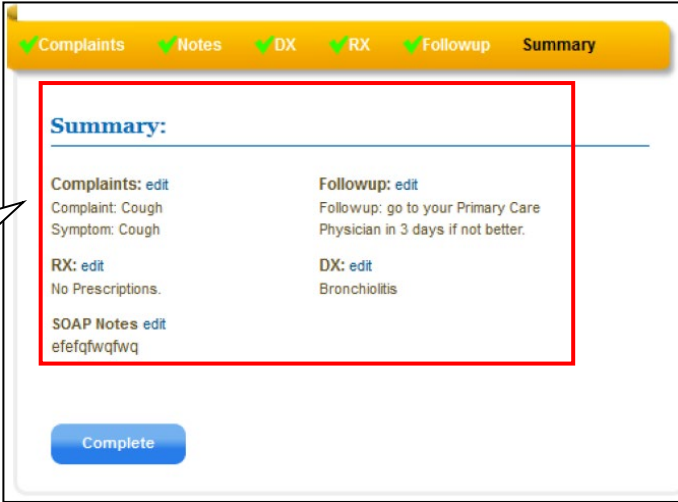
Claim 10	Accused Product or Service
<p>to the inquiry through use of an online communication forum, wherein each response includes</p> <p>User receives response (online response as well as written prescription notes) from at least one provider along with his or her information</p> <p>Besides, each provider or participant introduces himself or herself before start of the consultation.</p>	<p>Each participant or provider goes through user’s inquiry before the start of online session or communication.</p>   <p>[Snapshot taken from the video available at link: <a href="https://www.youtube.com/watch?v=40_n1vgXIVE">https://www.youtube.com/watch?v=40_n1vgXIVE</a>]</p>

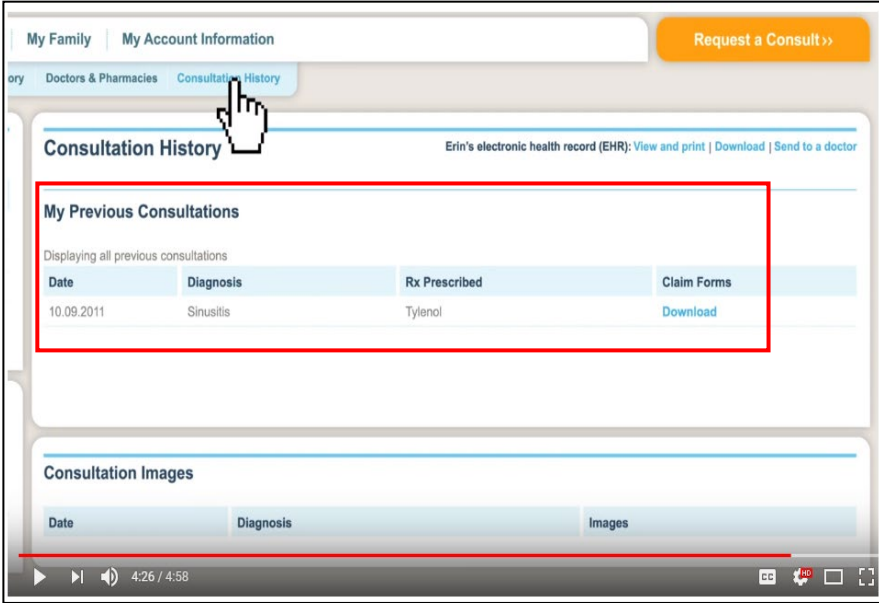
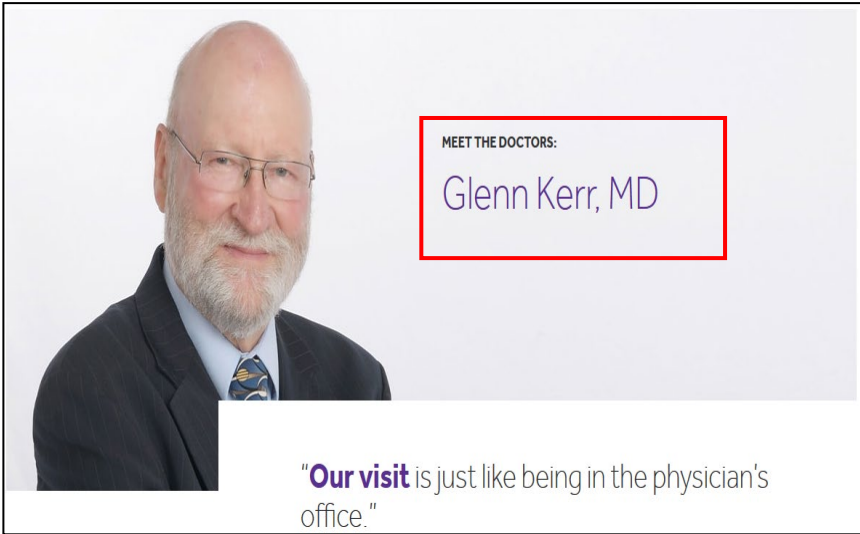


Claim 10	Accused Product or Service		
<p data-bbox="207 653 483 873">Information about the participant</p> <p data-bbox="207 1293 565 1476">Response from the participant or provider</p>	<div data-bbox="540 495 1127 1115" style="border: 1px solid black; padding: 10px;"> <p><b>First and Second Attempt</b></p> <p>Leave the following message if this is a first or second attempt to reach the patient:</p> <p style="border: 1px solid red; padding: 2px;">“This is Dr. _____ from Teladoc. You requested a consult. Because I have been unable to reach you at the number you provided, I am required to place you back on the waiting list. Your call back guarantee will start over and another attempt will be made to reach you. If we are unable to reach you after three attempts, your request will be cancelled without a charge. Thank You.”</p> </div> <p data-bbox="540 1142 1305 1178"><b>Attachment 7 (Teladoc Physician Training (2012)) at 14.</b></p> <div data-bbox="540 1199 1406 1835" style="border: 1px solid black; padding: 10px;"> <div style="background-color: #f1c40f; padding: 5px; display: flex; justify-content: space-between; align-items: center;"> <span>✓ Complaints</span> <span>✓ Notes</span> <span>✓ DX</span> <span>✓ RX</span> <span>✓ Followup</span> <span>Summary</span> </div> <div style="border: 1px solid red; padding: 10px; margin-top: 10px;"> <p><b>Summary:</b></p> <table border="0" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> <p><b>Complaints:</b> <a href="#">edit</a>                      Complaint: Cough                      Symptom: Cough</p> <p><b>RX:</b> <a href="#">edit</a>                      No Prescriptions.</p> <p><b>SOAP Notes</b> <a href="#">edit</a>                      efefqfwqfwq</p> </td> <td style="width: 50%; vertical-align: top;"> <p><b>Followup:</b> <a href="#">edit</a>                      Followup: go to your Primary Care Physician in 3 days if not better.</p> <p><b>DX:</b> <a href="#">edit</a>                      Bronchiolitis</p> </td> </tr> </table> <p style="text-align: center; margin-top: 20px;"><a href="#" style="background-color: #3498db; color: white; padding: 5px 15px; border-radius: 5px;">Complete</a></p> </div> </div>	<p><b>Complaints:</b> <a href="#">edit</a>                      Complaint: Cough                      Symptom: Cough</p> <p><b>RX:</b> <a href="#">edit</a>                      No Prescriptions.</p> <p><b>SOAP Notes</b> <a href="#">edit</a>                      efefqfwqfwq</p>	<p><b>Followup:</b> <a href="#">edit</a>                      Followup: go to your Primary Care Physician in 3 days if not better.</p> <p><b>DX:</b> <a href="#">edit</a>                      Bronchiolitis</p>
<p><b>Complaints:</b> <a href="#">edit</a>                      Complaint: Cough                      Symptom: Cough</p> <p><b>RX:</b> <a href="#">edit</a>                      No Prescriptions.</p> <p><b>SOAP Notes</b> <a href="#">edit</a>                      efefqfwqfwq</p>	<p><b>Followup:</b> <a href="#">edit</a>                      Followup: go to your Primary Care Physician in 3 days if not better.</p> <p><b>DX:</b> <a href="#">edit</a>                      Bronchiolitis</p>		

Claim 10	Accused Product or Service
	<p><i>Id.</i> at 26.</p>  <p>[Snapshot taken from the video available at link: <a href="https://www.youtube.com/watch?v=40_n1ygXIVE">https://www.youtube.com/watch?v=40_n1ygXIVE</a>]</p>
<p>sending one or more electronic communications to the user that correspond to the response provided by each of the one or more participants, including (i) providing with the one or more electronic communications at least a portion of the biographical information</p>	<p>Plaintiff contends that each electronic communications or responses (online as well as written prescription notes) from one or more participants is shared with the user along with at least a portion of biographical information (for example, provider introduction, etc.), while the contact details remain hidden or shielded from the user.</p> <div style="border: 1px solid black; border-radius: 15px; padding: 10px; margin-top: 10px;"> <p>Each participant’s response is shared with the user along with a portion of his or her associated biographical information. The contact details of each participant such as emails, messaging ID, etc. remain hidden from the user while submitting the response.</p> </div>

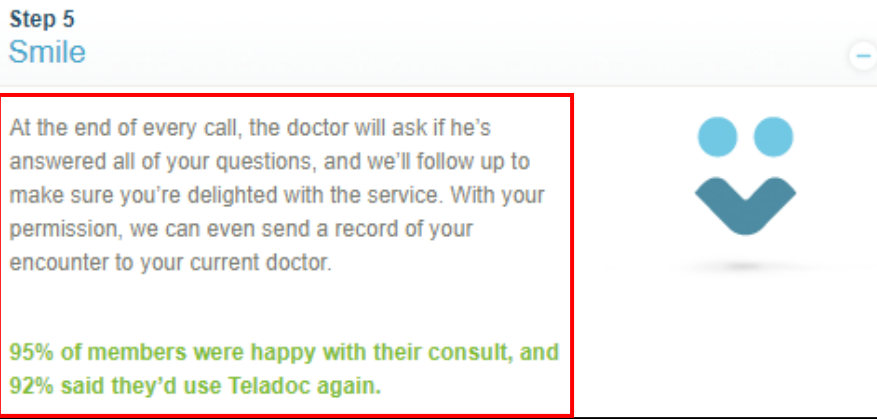
Claim 10	Accused Product or Service
<p>associated with each participant, (ii) while enabling at least one</p> <p>User receives response (online response as well as written prescription notes) from at least one provider along with his or her information</p> <p>Each provider or participant introduces himself or herself before start of the consultation.</p>	 <p>The screenshot shows the Teladoc website interface. At the top right, there is a navigation bar with 'Welcome, Erin Rasmussen', 'HOME', 'LOGOUT', 'FAQ', and 'CONTACT US'. Below this, a 'Join Consultation' button is highlighted with a red box and a mouse cursor. A video player is embedded on the page, titled 'Video consultation for Erin Rasmussen'. The video player shows a man in a white lab coat (a provider) speaking, with a smaller inset window showing a woman (Erin Rasmussen). To the right of the video player, there are 'Video Tips' and 'Frequently Asked Questions' sections. The video player controls at the bottom show a progress bar at 2:43 / 4:58.</p>  <p>This is a close-up screenshot of the video player. It shows the provider in the white lab coat speaking directly to the camera. The inset window shows Erin Rasmussen. The video player controls at the bottom show a progress bar at 2:43 / 4:58.</p> <p>[Snapshot taken from the video available at link: <a href="https://www.youtube.com/watch?v=40_n1ygXIVE">https://www.youtube.com/watch?v=40_n1ygXIVE</a>]</p>

Claim 10	Accused Product or Service						
<p data-bbox="212 436 516 615">Information about the participant</p> <p data-bbox="196 1066 560 1329">Another example of response from the participant or provider</p>	<div data-bbox="545 264 963 798"> <p><b>First and Second Attempt</b></p> <p>Leave the following message if this is a first or second attempt to reach the patient:</p> <p style="border: 1px solid red; padding: 2px;">"This is Dr. _____ from Teladoc. You requested a consult. Because I have been unable to reach you at the number you provided, I am required to place you back on the waiting list. Your call back guarantee will start over and another attempt will be made to reach you. If we are unable to reach you after three attempts, your request will be cancelled without a charge. Thank You."</p> </div> <p data-bbox="537 825 1304 856"><b>Attachment 7 (Teladoc Physician Training (2012)) at 14.</b></p> <div data-bbox="540 879 1214 1377">  <p>The screenshot shows a medical summary form with a yellow header containing tabs for Complaints, Notes, DX, RX, Followup, and Summary. The Summary tab is selected. A red box highlights the following text:</p> <p><b>Summary:</b></p> <table border="0"> <tr> <td><b>Complaints:</b> <a href="#">edit</a> Complaint: Cough Symptom: Cough</td> <td><b>Followup:</b> <a href="#">edit</a> Followup: go to your Primary Care Physician in 3 days if not better.</td> </tr> <tr> <td><b>RX:</b> <a href="#">edit</a> No Prescriptions.</td> <td><b>DX:</b> <a href="#">edit</a> Bronchiolitis</td> </tr> <tr> <td colspan="2"><b>SOAP Notes:</b> <a href="#">edit</a> efefqfwqfwq</td> </tr> </table> <p style="text-align: center;"><a href="#">Complete</a></p> </div> <p data-bbox="537 1402 659 1434"><b><i>Id.</i> at 26.</b></p>	<b>Complaints:</b> <a href="#">edit</a> Complaint: Cough Symptom: Cough	<b>Followup:</b> <a href="#">edit</a> Followup: go to your Primary Care Physician in 3 days if not better.	<b>RX:</b> <a href="#">edit</a> No Prescriptions.	<b>DX:</b> <a href="#">edit</a> Bronchiolitis	<b>SOAP Notes:</b> <a href="#">edit</a> efefqfwqfwq	
<b>Complaints:</b> <a href="#">edit</a> Complaint: Cough Symptom: Cough	<b>Followup:</b> <a href="#">edit</a> Followup: go to your Primary Care Physician in 3 days if not better.						
<b>RX:</b> <a href="#">edit</a> No Prescriptions.	<b>DX:</b> <a href="#">edit</a> Bronchiolitis						
<b>SOAP Notes:</b> <a href="#">edit</a> efefqfwqfwq							

Claim 10	Accused Product or Service
	 <p data-bbox="540 890 1227 968"><b>[Snapshot taken from the video available at link: <a href="https://www.youtube.com/watch?v=40_n1ygXIVE">https://www.youtube.com/watch?v=40_n1ygXIVE</a>]</b></p> 

Claim 10	Accused Product or Service
<p>Information associated with the participant,</p>	<div data-bbox="540 268 1414 940" style="border: 1px solid black; padding: 10px;"> <div style="display: flex; justify-content: space-between; align-items: center;"> <div style="background-color: #4CAF50; color: white; padding: 5px 10px; border-radius: 5px;">GET STARTED</div> <div style="border: 2px solid red; padding: 5px;"> <p><b>Practice:</b> Family Medicine  <b>Experience:</b> 32 years  <b>States Licensed:</b> CA, IL, MI, MN, SD, UT, WA  <b>Languages:</b> English</p> </div> </div> <p>How does it work?                      What can I use it for?                      Can I get a prescription?                      Who are the doctors?                      FAQ</p> <p><b>Tell us a little about yourself.</b></p> <p>I grew up on a small farm in North Dakota. Upon completing grade school, I attended Union College in Lincoln, Nebraska. In preparation for my medical school application, I was accepted at the University of North Dakota School of Medicine. I was then accepted to Loma Linda School of Medicine from which I graduated with the MD degree. I am board-certified by the American Board of Family Practice. I enjoyed practicing in office and hospital primary care for 32 years. I have since retired from office medicine and continue my profession with telehealth.</p> <p><b>What is it that interested you in telehealth?</b></p> <p>I find telehealth to be a way to use my experience to care for people. I enjoy being able to visit with patients over the phone or computer. I have involved myself in this satisfying practice since its inception. I still enjoy helping people by answering their questions and caring for their important acute care needs.</p> <p><b>What is one piece of advice you would like to give to Teladoc members?</b></p> </div> <p><b>Attachment 5 (Meet the doctors: Glenn Kerr, MD (Webpage, 2018)) at 1.</b></p>
<p>performing one or more actions to monitor at least one of the participants when that participant communicates with the user, including enabling the user to provide a feedback about the one participants, the feedback including an indication from the user about a quality of the response from the one participant.</p>	<p>Plaintiff contends that each participant activity while communicating with the user is monitored which includes enabling the user to provide a feedback about one or more participants or providers, the feedback including an indication from the user about a quality of the response from the one participant.</p> <div data-bbox="540 1289 1409 1402" style="border: 1px solid black; border-radius: 15px; padding: 10px; margin-top: 10px;"> <p>Each participant’s activity is monitored while he or she communicates with the client.</p> </div>

Claim 10	Accused Product or Service
	<div data-bbox="539 264 1373 737"> </div> <p data-bbox="539 821 1227 898"><b>[Snapshot taken from the video available at link: <a href="https://www.youtube.com/watch?v=40_n1ygXIVE">https://www.youtube.com/watch?v=40_n1ygXIVE</a>]</b></p> <div data-bbox="539 919 1398 1272"> <p data-bbox="539 932 1023 1115">Teladoc offers members 24/7/365 access to telehealth consults via phone or online video — whenever they need it, from wherever they are. Our U.S. board-certified physicians can diagnose, recommend treatment, and write short-term, non DEA prescriptions, when appropriate.</p> <p data-bbox="539 1136 998 1255">By using telehealth services and telemedicine instead of more expensive urgent care and ER visits, Teladoc cuts unnecessary costs and keeps members smiling (instead of waiting).</p> <div data-bbox="1036 936 1256 1052"> <p><b>16 Minute Average Response Time</b></p> </div> <div data-bbox="1036 1083 1393 1199"> <p><b>95% Member Satisfaction Rate</b></p> </div> </div> <p data-bbox="539 1297 1390 1373"><b>Attachment 10 (Teladoc for organizations (Webpage, 2014)) at 1.</b></p>

Claim 10	Accused Product or Service
<p data-bbox="212 747 500 1297">User can provide a feedback about one or more participants, the feedback including an indication from the user about quality of the response received from the participant.</p>	<p data-bbox="545 268 1417 684"><p data-bbox="545 268 1417 352"><b>Step 5</b> <b>Smile</b></p><p data-bbox="545 359 1112 684">At the end of every call, the doctor will ask if he's answered all of your questions, and we'll follow up to make sure you're delighted with the service. With your permission, we can even send a record of your encounter to your current doctor.</p><p data-bbox="545 604 1112 684">95% of members were happy with their consult, and 92% said they'd use Teladoc again.</p></p>
	<p data-bbox="545 709 1328 747"><b>Attachment 11 (How does it work? (Webpage, 2014)) at 5.</b></p>



Claim 10	Accused Product or Service
	<p data-bbox="553 279 829 310"><b>Is available 24/7/365.</b></p> <p data-bbox="553 329 1373 441">Quality care is only a call or click away. You will receive a call back from our doctors in <b>16 minutes</b>, on average. Now that's access to care!</p> <div data-bbox="542 464 979 560" style="border: 1px solid red; padding: 2px;"> <p data-bbox="553 474 659 506"><b>16 min</b></p> <p data-bbox="553 516 954 543"><b>AVERAGE DOCTOR CALL BACK TIME</b></p> </div> <hr data-bbox="542 590 1398 594"/> <p data-bbox="553 621 1073 653"><b>Resolves many of your medical issues.</b></p> <p data-bbox="553 672 1386 783">90% of Teladoc members resolved their medical issue with Teladoc. Unlike nurse-run call centers, Teladoc doctors can diagnose, recommend treatment, and prescribe medication, when necessary.</p> <div data-bbox="542 800 849 896" style="border: 1px solid red; padding: 2px;"> <p data-bbox="553 810 623 842"><b>95%</b></p> <p data-bbox="553 852 821 879"><b>MEMBER SATISFACTION</b></p> </div> <p data-bbox="537 926 1414 999"><b>Attachment 8 (Benefits to patients   Teladoc (Webpage, 2014)) at 1.</b></p>

- These allegations of infringement are preliminary and are therefore subject to change.

11. Teladoc has and continues to induce infringement. Teladoc has actively encouraged or instructed others (e.g., its customers and/or the customers of its related companies), and continues to do so, on how to use its products and services (e.g., healthcare access on the Internet) and related services that provide healthcare access services across the Internet such as to cause infringement of claims 1–14 of the '344 patent, literally or under the doctrine of equivalents. Moreover, Teladoc has known of the '344 patent and the technology underlying it from at least the date of issuance of the patent.

12. Teladoc has and continues to contributorily infringe. Teladoc has actively encouraged or instructed others (e.g., its customers and/or the customers of its related companies), and continues to do so, on how to use its products and services (e.g., healthcare access on the Internet) and related

services that provide healthcare access services across the Internet such as to cause infringement of claims 1–14 of the '344 patent, literally or under the doctrine of equivalents. Moreover, Teladoc has known of the '344 patent and the technology underlying it from at least the date of issuance of the patent.

13. Teladoc has caused and will continue to cause NETSOC damage by direct and indirect infringement of (including inducing infringement of) the claims of the '344 patent.

#### **IV. JURY DEMAND**

NETSOC hereby requests a trial by jury on issues so triable by right.

#### **V. PRAYER FOR RELIEF**

WHEREFORE, NETSOC prays for relief as follows:

- a. enter judgment that Defendant has infringed the claims of the '344 patent through teladochealth.com;
- b. award NETSOC damages in an amount sufficient to compensate it for Defendant's infringement of the '344 patent, in an amount no less than a reasonable royalty or lost profits, together with pre-judgment and post-judgment interest and costs under 35 U.S.C. § 284;
- c. award NETSOC an accounting for acts of infringement not presented at trial and an award by the Court of additional damage for any such acts of infringement;
- d. declare this case to be "exceptional" under 35 U.S.C. § 285 and award NETSOC its attorneys' fees, expenses, and costs incurred in this action;
- e. declare Defendant's infringement to be willful and treble the damages, including attorneys' fees, expenses, and costs incurred in this action and an increase in the damage award pursuant to 35 U.S.C. § 284;

- f. a decree addressing future infringement that either (i) awards a permanent injunction enjoining Defendant and its agents, servants, employees, affiliates, divisions, and subsidiaries, and those in association with Defendant from infringing the claims of the Patents-in-Suit, or (ii) awards damages for future infringement in lieu of an injunction in an amount consistent with the fact that for future infringement the Defendant will be an adjudicated infringer of a valid patent, and trebles that amount in view of the fact that the future infringement will be willful as a matter of law; and
- g. award NETSOC such other and further relief as this Court deems just and proper.

Respectfully submitted,

**Ramey & Schwaller, LLP**

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