

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS

EASTERN DIVISION FILED: OCTOBER 14, 2008

08CV5878

JUDGE GUZMAN

MAGISTRATE JUDGE COX

DR SYSTEMS, INC., a California
corporation,

Plaintiff,

v.

LAKE FOREST HOSPITAL,

Defendant.

CASE NO.:

PH

JURY TRIAL DEMANDED

COMPLAINT

Plaintiff, DR Systems, Inc. (“DR Systems”), complains of defendant, Lake Forest Hospital (“Lake Forest”), as follows:

NATURE OF LAWSUIT

1. This is a claim for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code.

THE PARTIES

2. DR Systems is a California corporation with its principal place of business at 10140 Mesa Rim Road, San Diego, California 92121. DR Systems is the named assignee of, owns all right title and interest in, and has standing to sue for infringement of United States Patent No. 5,452,416, entitled “Automated System and Method for Organizing, Presenting and Manipulating Medical Images,” issued September 19, 1995 (“the ‘416 patent”) (Exhibit A hereto).

3. On December 5, 2007, the United States District Court for the Southern District of California entered an Order construing the claims of the ‘416 patent and defining pertinent

technical terms of the patent. A copy of that Order and its accompanying exhibits is attached as Exhibit B hereto.

4. Defendant Lake Forest is an Illinois corporation with a principal place of business at 660 North Westmoreland Road, Lake Forest, Illinois 60045-1659. Lake Forest transacts business in this judicial district and “has successfully used [Emageon Inc.’s] ECM (Enterprise Content Management), viewing software (Advanced Visualization) and professional services to enhance delivery of patient care and improve physician productivity.” Emageon Inc. News Release, 7/22/2008 (Exhibit C hereto).

JURISDICTION AND VENUE

5. This Court has exclusive jurisdiction over the subject matter of the Complaint under 28 U.S.C. §§ 1331 and 1338(a).

6. Personal Jurisdiction over Lake Forest is proper in this Court. Venue in this judicial district is proper under 28 U.S.C. §§ 1391(b), (c) and/or 1400(b).

LAKE FOREST’S ACTS OF PATENT INFRINGEMENT

7. Lake Forest has infringed at least claims 1 and 6 of the ‘416 patent through the use Emageon’s ECM and Advanced Visualization products and services.

8. Lake Forest’s infringement has injured and will continue to injure DR Systems, unless and until this Court enters an injunction prohibiting further infringement and, specifically, enjoining Lake Forest’s further use of products and services that fall within the scope of the asserted claims of the ‘416 patent.

PRAYER FOR RELIEF

WHEREFORE, DR Systems asks this Court to enter judgment against Lake Forest, and against its subsidiaries, affiliates, agents, servants, employees and all persons in active concert or participation with it, granting the following relief:

A. An award of damages adequate to compensate DR Systems for the infringement that has occurred, together with prejudgment interest from the date infringement of the '416 patent began;

B. A finding that this case is exceptional and an award to DR Systems of its attorneys' fees and costs as provided by 35 U.S.C. § 285;

C. A permanent injunction prohibiting further infringement, inducement and contributory infringement of the '416 patent; and,

D. Such other and further relief as this Court or a jury may deem proper and just.

JURY DEMAND

Plaintiff DR Systems demands a trial by jury on all issues presented in this Complaint.

Dated: October 14, 2008

NIRO, SCAVONE, HALLER & NIRO

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