

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

DATREC, LLC,)	
Plaintiff,)	
)	Civil Action No. 3:21-cv-00106
v.)	
)	
MCKESSON CORPORATION.)	JURY TRIAL DEMANDED
Defendant.)	

PLAINTIFF’S ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

DatRec, LLC (“DatRec”) files this Original Complaint and demand for jury trial seeking relief from patent infringement of the claims of U.S. Patent No. 8,156,158 (“the ‘158 patent”) (referred to as the “Patent-in-Suit”) by McKesson Corporation.

I. THE PARTIES

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

2. On information and belief, McKesson Corporation (“McKesson”) is a corporation existing under the laws of the State of Texas, with a principal place of business located at 8401 Jack Finney Blvd., Greenville, TX 75402. On information and belief, McKesson 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. Defendant may be served with process through their registered agent, Corporation Services Company d/b/a CSC-Lawyers Incorporating Services Company, 211 E. 7th Street, Suite 620, Austin, Texas 78701-3218.

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 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.

5. 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

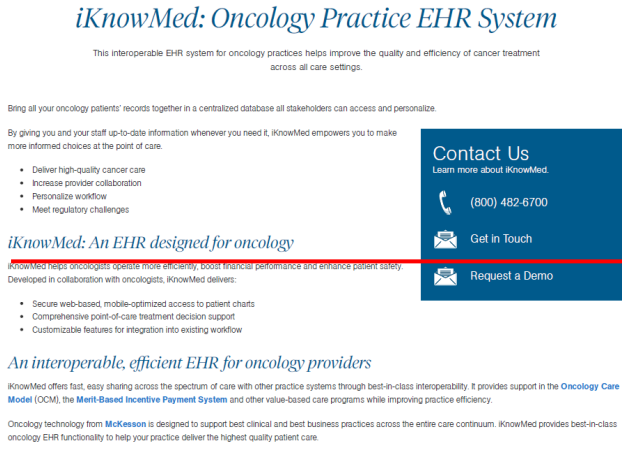
A. Infringement of the '158 Patent

6. On April 10, 2012, U.S. Patent No. 8,156,158 ("the '158 patent", attached as Exhibit A) entitled "Method and System for Use of a Database of Personal Data Records" was duly and legally issued by the U.S. Patent and Trademark Office. DatRec, LLC owns the '158 patent by assignment.

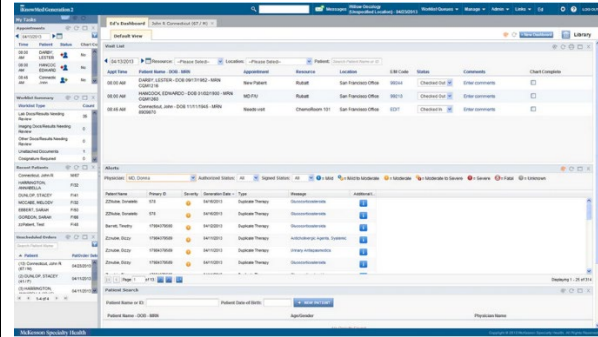
7. The '158 patent relates to a novel and improved manner of constructing a verified database of identified individuals capable of processing with a subgroup of at least one medical application.

8. McKesson maintains, operates, and administers electronic health records that infringes one or more claims of the '158 patent, including one or more of claims 1-23, literally or under the doctrine of equivalents. Defendant put the inventions claimed by the '158 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.

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

Claim 1	McKesson EHR System (iKnowMed)
<p>1. A method for using and managing a database, the method comprising:</p>	<p>Plaintiff contends that McKesson EHR System (iKnowMed) provides a system and/or method for using and managing a database:</p>  <p>Attachment 1 (iKnowMed: Oncology Practice EHR System (Webpage, 2020)) at 1.</p>

Claim 1 **McKesson EHR System (iKnowMed)**



[Source: <https://www.softwareadvice.com/medical/iknowmedehr-profile/>]

providing a verified database of a plurality of identified individuals, the verified database comprising a plurality of individual-identifier data sets (IDSs) and relationship data; and

Plaintiff contends that a verified database of a plurality of identified individuals is provided which comprises a plurality of individual-identifier data sets (IDSs) and relationship data. The following exemplifies this limitation’s existence in Accused Systems:

iKnowMed: Oncology Practice EHR System

This interoperable EHR system for oncology practices helps improve the quality and efficiency of cancer treatment across all care settings.

Bring all your oncology patients’ records together in a centralized database all stakeholders can access and personalize.

Attachment 1 (iKnowMed: Oncology Practice EHR System (Webpage, 2020)) at 1.

Claim 1 **McKesson EHR System (iKnowMed)**

About this Guide

1) My Care Plus

My Care Plus is a secure website that provides convenient access to your health care information. The purpose of this guide is to assist you with enrollment and to provide the information you need to take advantage of My Care Plus.

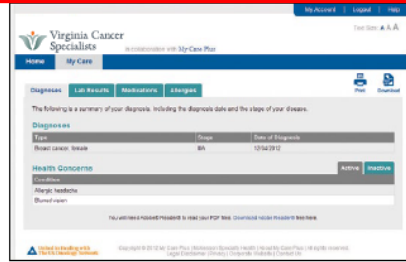
My Care Plus is designed especially for patients. Through this secure website, you can view your Personal Health Record (PHR) whenever you need it. You will be able to access your diagnosis, medications, health conditions, clinical lab results and allergies from anywhere.

As our patient, you are eligible to join!

We're Here to Help You

If you need assistance while visiting the website, please contact My Care Plus Support at **1.855.887.6788** (toll free) or support@mycareplusonline.com.

Please contact our office during business hours if you have questions about your PHR.



Sample patient My Care Plus PHR

Attachment 2 (My Care Plus (2012)) at 4.

The screenshot shows the 'My Care Plus' enrollment page. It features a progress indicator with 'STEP 1' checked, 'STEP 2' selected, and 'STEP 3' next. The main heading is 'Complete the form below to continue enrollment.' The form includes fields for 'Patient Name' (John Smith), 'Date Of Birth' (Jan 1, 1900), 'Create User Name', 'Create Password', and 'Confirm password'. There is a checkbox for 'I have read and agreed to the Terms & Conditions' and a 'Create New Account' button.

Attachment 2 (My Care Plus (2012)) at 7.

Claim 1

McKesson EHR System (iKnowMed)

3.3 Learn About Medical Terms

MRN

The MRN, or Medical Record Number, is your unique *medical record number* from our medical office.

PHR

The PHR, or Personal Health Record, contains your health information, and it provides a summary of your health and medical history with our office.

PHRs contain a wide range of personal health data but typically include information about you:

- allergies and adverse drug reactions,
- medications (including dose and frequency) that are given in our clinic, as well as other medications you have reported to be taking currently (including over-the-counter medications and herbal remedies),
- cancer diagnosis,
- other chronic diseases/health concerns,
- vaccinations given at our facility, and
- laboratory test results.

Attachment 2 (My Care Plus (2012)) at 12.

Sandy Smith (65 / F) Send a message about this patient ...

DOB: 05/27/1950 Dx: Female breast cancer Allergies: Undefined Telephone: -
 MRN: SS3322 HWWBSA: 72 in / 130 lb / 1.73 m2 Next MD Visit: - Contact Information: [+](#)
 Attending: Austin, Clinton Insurer: ANTHEM BC CALIFORNIA Patient Notes: [+](#)

Chart Summary Clinical Profile FlowSheet Orders Results Documents Demographics Nursing Care Scheduler Admix Charge Capture

Default View

Patient Visit List

Select Date: 03/30/2016

Patient: Smith, Sandy Practice: Onc Hem of MSH
 DOB: 05/27/1950 Height: 72 in (02/15/2016)
 Patient ID: SS3322 Weight: 130 lb (02/15/2016)

Diagnosis: Female breast cancer * (C50.912) BSA: 1.73 m2 (02/15/2016)

Allergies: Not Documented

Regimen Orders

Docetaxel D1.6.15 + Trastuzumab D1.6.15 Q2W1 (Docetaxel Only) C1D1 Unapproved

Regimen Comments: To be given with Trastuzumab + Docetaxel Q2Week (Trastuzumab only).

CHEMOTHERAPY

Problem List

[Source: <https://www.mckesson.com/Specialty/Oncology-Patient-Portal/> (Click on the Video at 0:53)]

Lynx's Dashboard Sandy Smith (65 / F)

Sandy Smith (65 / F) Send a message about this patient ...

DOB: 05/27/1950 Dx: Female breast cancer Allergies: Undefined Telephone: -
 MRN: SS3322 HWWBSA: 72 in / 130 lb / 1.73 m2 Next MD Visit: - Contact Information: [+](#)
 Attending: Austin, Clinton Insurer: ANTHEM BC CALIFORNIA Patient Notes: [+](#)

Chart Summary **Clinical Profile** FlowSheet Orders Results Documents Demographics Nursing Care Scheduler Admix Charge Capture

Problems Chart Alerts Care Plan Medications Off-Site Treatments Allergies Health Maintenance Observations Family History

ADD PROBLEM EDIT REMOVE Active Inactive Resolved RECONCILE ELECTRONICALLY RECONCILED

Problem	Date of Diagnosis	Last Modified	Details	Status
Female breast cancer *	03/24/2016	03/24/2016	Stage IIB (T2, pN1b, M1);	Active

[Source: <https://www.mckesson.com/Specialty/Oncology-Patient-Portal/> (Click on the video at 1:04)]

Claim 1

McKesson EHR System (iKnowMed)

processing said verified database in accordance with one or more parameters or conditions selected in accordance with at least one medical application and creating a sub-group database including data records of the individuals from the verified database having said one or more selected parameters or conditions, thereby allowing collection of data comprising one or more selected parameters or conditions and delivery of at least part of the collected data to one or more users and enable to apply data from said verified database to provide personalized medicine service to at least one of said identified individuals;

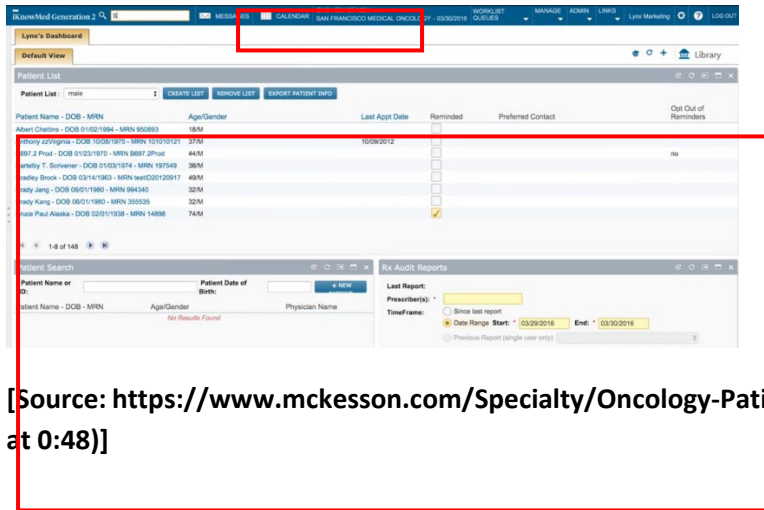
Plaintiff contends that the verified database is processed in accordance with one or more parameters or conditions selected in accordance with at least one medical application and a sub-group database is created (for example, filtering, sorting, etc.) including data records of the individuals from the verified database having said one or more selected parameters or conditions, thereby allowing collection of data comprising one or more selected parameters or conditions and delivery of at least part of the collected data to one or more users. Further, data from the verified database is applied to provide personalized medicine service to at least one of the identified individuals. The following exemplifies this limitation’s existence in Accused Systems:

iKnowMed: Oncology Practice EHR System

This interoperable EHR system for oncology practices helps improve the quality and efficiency of cancer treatment across all care settings.

Bring all your oncology patients’ records together in a centralized database all stakeholders can access and personalize.

Attachment 1 (iKnowMed: Oncology Practice EHR System (Webpage, 2020)) at 1.

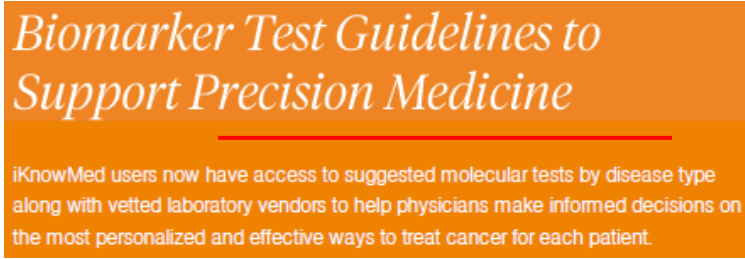
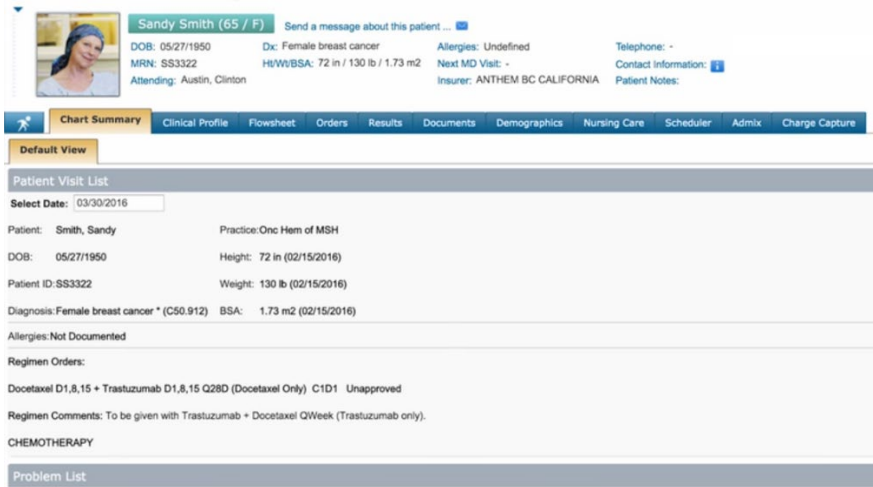


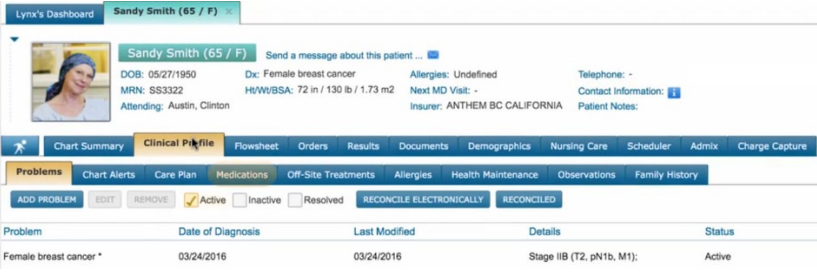
[Source: <https://www.mckesson.com/Specialty/Oncology-Patient-Portal/> (Click on the video at 0:48)]

Optimize your oncology practice’s performance and enable value-based care

The Practice Insights performance analytics tool helps oncology practices analyze data generated throughout the patient care cycle to gain actionable insights into quality initiatives, value-based care programs such as the Oncology Care Model (OCM) and the Merit-Based Incentive Payment System (MIPS), performance metrics, productivity measures, and peer/industry benchmarks.

Claim 1	McKesson EHR System (iKnowMed)
	<p><i>Achieve better patient care through data analytics</i></p> <p>Community oncology practices can use Practice Insights' practice performance metrics to:</p> <hr/> <p>Make better decisions. Enable timely, safe and effective patient care with our innovative approach to analytics, including:</p> <ul style="list-style-type: none"> • Patient identification for clinical trials • Visibility into drug utilization • Pathways compliance based on NCCN Guidelines® and other clinical trends <p>Enable value-based care. Prepare for a performance-based reimbursement environment with a better understanding of the coordination, cost and value of patient care through new and existing payment models such as QCM and MIS.</p> <p>Optimize practice performance. Discover financial opportunities and identify operational efficiencies by comparing your practice with peer and industry benchmarks.</p> <p>Qualified Clinical Data Registry (QCDR)</p> <hr/> <p>McKesson has received approval from CMS to participate in the MIPS 2020 year as a QCDR. As a CMS-approved QCDR, McKesson can collect and report clinical data on behalf of clinicians for both MIS and custom QCDR quality measures (PDF, 128 KB) to drive improvements in quality and cost of care. The designation enables iKnowMed™ users to efficiently submit data directly to CMS without engaging a separate registry vendor, streamlining data submission and minimizing the need for additional administrative resources.</p> <p>Attachment 4 (Practice Insights: Oncology Practice Performance Analytics Tool (Webpage, 2014)) at 1.</p> <div style="display: flex; justify-content: space-between;"> <div style="width: 48%;"> <p>EMPOWERS THE PATIENT CARE TEAM Enables multiple specialties, to share patient-related information seamlessly across the spectrum of care, without disrupting daily workflow.</p> <hr/> <p>SUPERIOR CLINICAL DECISION SUPPORT Provides advanced, point-of-care clinical decision support to help oncologists confidently and quickly stage patients and select patient treatment through Value Pathways™ powered by NCCN®, or from the standard, comprehensive regimen library of 400 up-to-date diagnosis-specific chemotherapy protocols.</p> <hr/> <p>INTEGRATED SCHEDULING Clinician orders, including chemotherapy orders and infusion room scheduling, flow into a single scheduling area for processing by administrative staff.</p> <hr/> <p>COMPREHENSIVE CHEMOTHERAPY ORDERS MANAGEMENT Integrated with Lynx Mobile®, McKesson Specialty Health's automated inventory management system, for end-to-end chemotherapy orders workflow support that ensures treatment orders are safely dispensed and ready at the scheduled treatment time.</p> </div> <div style="width: 48%;"> <p>ENHANCES PATIENT SAFETY Safety alerts automatically notify your physicians and staff when the system detects potential issues, for example, dangerous chemotherapy dosing levels. The elimination of handwritten notes and orders also minimizes the risk of misinterpretations and errors.</p> <hr/> <p>INCREASES PATIENT ENGAGEMENT Share clinical information with patients through My Care Plus™, a secure patient portal that promotes patient-provider communication and treatment compliance.</p> </div> </div> <p>Attachment 3 (Innovative Technology. Advancing Patient Care. (2013)) at 3.</p> <div style="display: flex; justify-content: space-between;"> <div style="width: 48%;"> <p>ADVANCED PERSONALIZATION See a flexible, personalized dashboard of your daily schedule, patient list, workflow queues and tasks and navigate into a patient's chart with a single click. Configure the patient's chart and customize order sets and encounter notes using templates that match your workflow and can be shared with colleagues.</p> <hr/> <p>SMARTER DOCUMENTATION Reduce the amount of time spent scribing through flexible documentation options, note templates and speech recognition. Natural Language Processing recognizes key clinical concepts as you type or speak patient encounter notes to populate patient information in the chart.</p> <hr/> <p>MODERN ACCESSIBILITY From improvements in speed to the ability to access patients' records from most mobile devices, iKnowMed Generation 2 sets a new standard for modern EHR accessibility and usability.</p> </div> <div style="width: 48%;"> <p>INTEROPERABILITY Using the latest interoperability standards, information can be exchanged with patient care systems throughout the practice, other ambulatory practices and hospitals, enabling better connectivity across the healthcare system.</p> <hr/> <p>MESSAGING Integrated messaging allows your team to communicate about patient care, helping to drive efficient, informed discussions.</p> <hr/> <p>BUILT-IN FAXING Consolidates all inbound and outbound faxes into a work queue that can be easily monitored and processed by administrative staff.</p> </div> </div>

Claim 1	McKesson EHR System (iKnowMed)
	<p>Attachment 3 (Innovative Technology. Advancing Patient Care. (2013)) at 4.</p>  <p>Attachment 1 (iKnowMed: Oncology Practice EHR System (Webpage, 2020)) at 1.</p>
<p>wherein said providing of the verified database comprises: permitting a plurality of individuals to enter individual-associated data bits (IDBS) into a computerized system, each of the IDBs comprising at least one personal identifier relating to the individual and relationship data comprising data on one or more related individuals and the nature of relationship;</p> <p>processing the entered IDBs to generate the IDS, one for each identified individual,</p>	<p>Plaintiff contends that a verified database of a plurality of identified individuals is provided which comprises a plurality of individual-identifier data sets (IDSs) and relationship data. A plurality of individuals is permitted to enter individual-associated data bits (IDBS) into a computerized system, each of the IDBs comprising at least one personal identifier relating to the individual and relationship data comprising data on one or more related individuals and the nature of relationship. The entered IDBs are processed to generate the IDS, one for each identified individual, being either said individual who has entered the individual-associated data bits or one of the related individuals and construct the verified database comprising IDSs of identified individuals. The following exemplifies this limitation's existence in Accused Systems:</p>  <p>[Source: https://www.mckesson.com/Specialty/Oncology-Patient-Portal/ (Click on the Video at 0:53)]</p>

Claim 1	McKesson EHR System (iKnowMed)
<p>being either said individual who has entered the individual-associated data bits or one of the related individuals and construct the verified database comprising IDs of identified individuals.</p>	 <p>[Source: https://www.mckesson.com/Specialty/Oncology-Patient-Portal/ (Click on the video at 1:04)]</p> <p>being all your oncology patients, records together in a centralized database all stakeholders can access and personalize</p> <p>across all care settings</p> <p>This interoperable EHR system for oncology practices helps improve the quality and efficiency of cancer treatment</p> <p>iKnowMed: Oncology Practice EHR System</p> <p>Attachment 1 (iKnowMed: Oncology Practice EHR System (Webpage, 2020)) at 1.</p> <hr style="border: 1px solid red;"/>

Claim 1 **McKesson EHR System (iKnowMed)**

About this Guide

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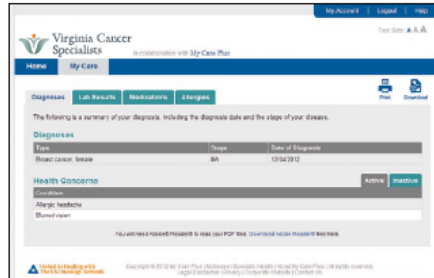
My Care Plus is designed especially for patients. Through this secure website, you can view your Personal Health Record (PHR) whenever you need it. You will be able to access your diagnosis, medications, health conditions, clinical lab results and allergies from anywhere.

As our patient, you are eligible to join!

We're Here to Help You

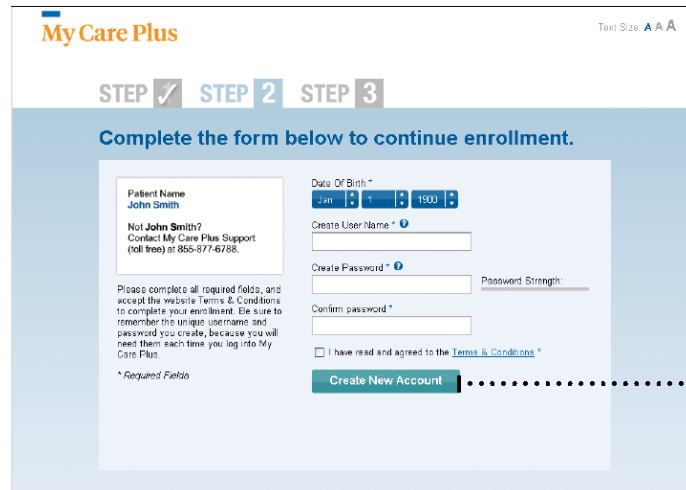
If you need assistance while visiting the website, please contact My Care Plus Support at **1.855.887.6788** (toll free) or support@mycareplusonline.com.

Please contact our office during business hours if you have questions about your PHR.



Sample patient My Care Plus PHR

Attachment 2 (My Care Plus (2012)) at 4.



Attachment 2 (My Care Plus (2012)) at 7.

Claim 1	McKesson EHR System (iKnowMed)
	<p>3.3 Learn About Medical Terms</p> <p>MRN The MRN, or Medical Record Number, is your unique <i>medical record number</i> from our medical office.</p> <p>PHR The PHR, or Personal Health Record, contains your health information, and it provides a summary of your health and medical history with our office.</p> <p>PHRs contain a wide range of personal health data but typically include information about your:</p> <ul style="list-style-type: none"> • allergies and adverse drug reactions, • medications (including dose and frequency) that are given in our clinic, as well as other medications you have reported to be taking currently (including over-the-counter medications and herbal remedies), • cancer diagnosis, • other chronic diseases/health concerns, • vaccinations given at our facility, and • laboratory test results. <p>Attachment 2 (My Care Plus (2012)) at 12.</p> <p>Importance of collecting patient family health history</p> <p>A <u>family health history (PDE)</u> helps physicians and other health care practitioners provide better care for patients.</p> <p>A properly collected family history can:</p> <ul style="list-style-type: none"> • Identify whether a patient has a higher risk for a disease. • Help the health care practitioner recommend treatments or other options to reduce a patient's risk of disease. • Provide early warning signs of disease. • Help plan lifestyle changes to keep the patient well. <p>Types of information to be included in family history</p> <p>A <u>family history</u> (PDF) is a lifetime record that patients should provide to all their new physicians when receiving health care.</p> <p>The history should be detailed, including:</p> <ul style="list-style-type: none"> • First-, 2nd- and 3rd-degree relatives • Age for all relatives (age at time of death for the deceased) • Ethnicity (some genetic diseases are more common in certain ethnic groups) • Presence of chronic diseases <p>Attachment 5 (Collecting A Family History (Webpage, 2020)) at 1.</p>

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

11. McKesson has and continues to induce infringement. McKesson 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., question and answer services on the Internet] and related services that provide question and answer services across the Internet such as to cause infringement of one or more of claims 1–23 of the '158 patent, literally or under the doctrine of equivalents. Moreover, McKesson has known of the '158 patent and the technology underlying it from at least the date of issuance of the patent.

12. McKesson has and continues to contributorily infringe. McKesson 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., question and answer services on the Internet] and related services that provide question and answer services across the Internet such as to cause infringement of one or more of claims 1–23 of the '158 patent, literally or under the doctrine of equivalents. Moreover, McKesson has known of the '158 patent and the technology underlying it from at least the date of issuance of the patent.

13. McKesson has caused and will continue to cause DatRec damage by direct and indirect infringement of (including inducing infringement of) the claims of the '158 patent.

IV. JURY DEMAND

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

V. PRAYER FOR RELIEF

WHEREFORE, DatRec prays for relief as follows:

- a. enter judgment that Defendant has infringed the claims of the '158 patent through McKesson.com, or a website linked thereto;

- b. award DatRec damages in an amount sufficient to compensate it for Defendant's infringement of the '158 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 DatRec 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 DatRec 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 DatRec such other and further relief as this Court deems just and proper.

Respectfully submitted,

Ramey & Schwaller, LLP

A handwritten signature in black ink, appearing to read 'WPR', with a large, loopy flourish extending from the end of the signature.

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Houston, Texas 77006
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(832) 900-4941 (fax)
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Attorneys for DatRec, LLC