

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

DATREC, LLC,)	
Plaintiff,)	
)	Civil Action No.
v.)	
)	
CANCER IQ INC.)	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 .S. Patent No. 8,381,309 (“the ‘309 patent”) (referred to as the “Patent-in-Suit”) by Cancer IQ, Inc.

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, Cancer IQ Inc. (“CancerIQ”) is a limited liability company organized and existing under the laws of Illinois, with a principal place of business located at 515 N. State St., Suite 1075, Chicago, IL 60654. CancerIQ is incorporated in Delaware. On information and belief, CancerIQ sells and offers to sell products and services throughout Illinois, 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 Illinois and this judicial district. CancerIQ can be served with process at its registered agent Corporation Services Company, 251 Little Falls Drive, Wilmington, DE 19809 or anywhere else it may be found.

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 Illinois and this judicial district; (ii) Defendant has purposefully availed itself of the privileges of conducting business in the State of Illinois 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 Illinois 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 Illinois and this District.

III. INFRINGEMENT

A. Infringement of the '309 Patent

6. On February 9, 2013, U.S. Patent No. 8,381,309 ("the '309 patent", attached as Exhibit B) entitled "Method and System for Ecure Communiocation Over a Public Network" was duly and legally issued by the U.S. Patent and Trademark Office. DatRec, LLC owns the '309 patent by assignment.

7. The '309 patent relates to a novel and improved system for secure communication over a public network.

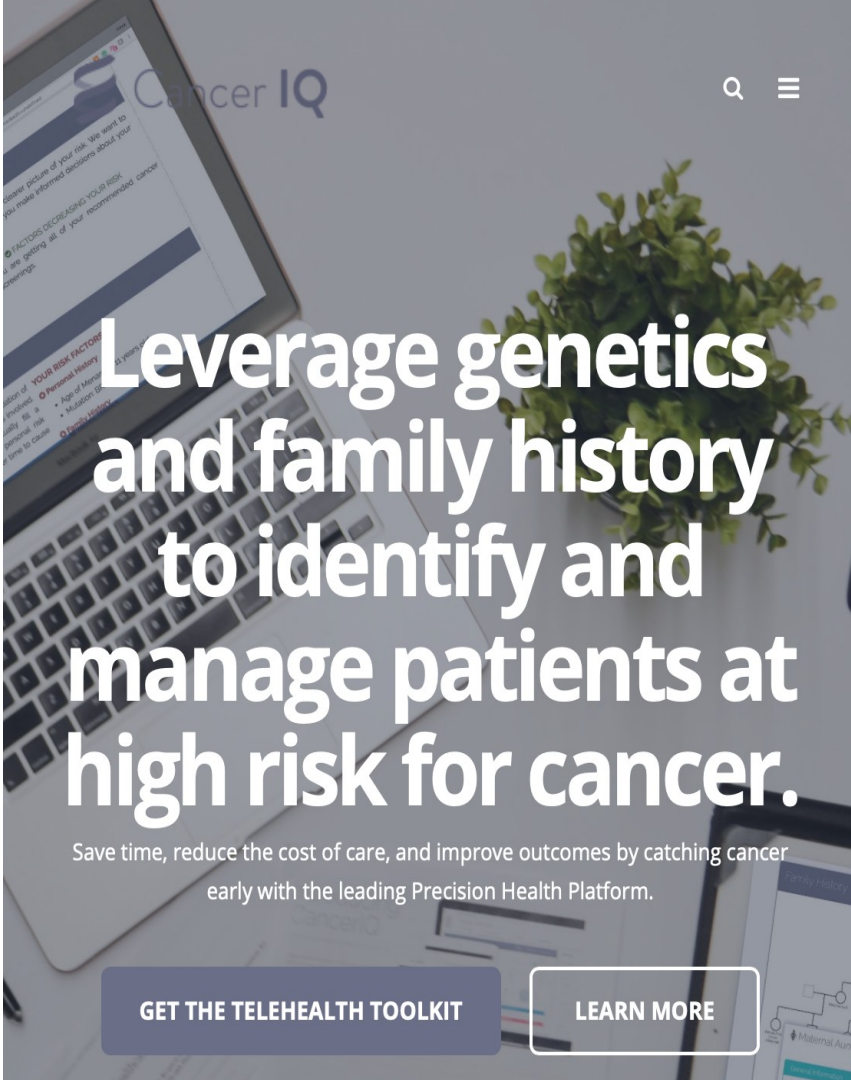
8. CancerIQ maintains, operates, and administers electronic health records through its website at www.CancerIQ.com, and other sources or websites, that infringe one or more claims of the '309 patent, including one or more of claims 1-17, literally or under the doctrine of equivalents. Defendant put the inventions claimed by the '309 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:

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CancerIQ

9. A system for enabling communication between users over a communication network, the system comprising;

A banner image for the CancerIQ website. It features a laptop displaying a user interface with a search bar, a menu icon, and a section titled "YOUR RISK FACTORS" with a list of items including "Personal History", "Age of Menstruation", "Maternal Aunts", and "Family History". A small potted plant is visible on the right side of the laptop. Overlaid on the image is the text "Leverage genetics and family history to identify and manage patients at high risk for cancer." in large white font. Below this, in smaller white font, is the text "Save time, reduce the cost of care, and improve outcomes by catching cancer early with the leading Precision Health Platform." At the bottom of the banner are two buttons: "GET THE TELEHEALTH TOOLKIT" and "LEARN MORE".

Leverage genetics and family history to identify and manage patients at high risk for cancer.

Save time, reduce the cost of care, and improve outcomes by catching cancer early with the leading Precision Health Platform.

GET THE TELEHEALTH TOOLKIT **LEARN MORE**

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[<https://www.canceriq.com/>](https://www.canceriq.com/)

CancerIQ has a system for enabling communication between users over a communication network.

The reference includes subject matter disclosed by the claims of the patent after the priority date.

a server system associated with a database comprising verified data relating an individual, said server system being configured and operable to verify at least some of the data so as to authenticate an identity of the individual;

CancerIQ Self-Assessment

The Self-Assessment platform allows patients to report the medical and family history information so that providers can focus on analyzing data rather than gathering it from scratch.

<https://www.canceriq.com/specialist>

The reference describes a server system associated with a database comprising verified data relating an individual, said server system being configured and operable to verify at least some of the data so as to authenticate an identity of the individual.

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determining a level of reliability in authenticity based on correspondence between data on said individual entered by a plurality of related individuals; and



One-Click Documentation

Use standard or custom templates for pre- and post-consult notes, family letters and referring physician letters. "

[<https://www.canceriq.com/specialist>](https://www.canceriq.com/specialist)

The reference describes determining a level of reliability in authenticity based on correspondence between data on said individual entered by a plurality of related individuals.

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<p>the system being configured to define one or more levels of permitted communication between individuals in the database and the verified individual on the basis of said verification.</p>	<div data-bbox="1052 296 1182 422" data-label="Image"> </div> <h2 data-bbox="899 468 1349 514">Real-Time Feedback</h2> <p data-bbox="846 583 1403 787">CancerIQ automatically sends email reminders and education that keep patients engaged with their plan and inform you of their progress.</p> <p data-bbox="558 831 1222 865"><https://www.canceriq.com/canceriq-manager></p> <p data-bbox="558 905 1422 1050">The reference describes the system being configured to define one or more levels of permitted communication between individuals in the database and the verified individual on the basis of said verification.</p>

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

10. CancerIQ has and continues to induce infringement. CancerIQ 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 1–17 of the ‘309 patent, literally or under the doctrine of equivalents. Moreover, CancerIQ has known of the ‘309 patent and the technology underlying it from at least the date of issuance of the patent.

11. CancerIQ has and continues to contributorily infringe. CancerIQ 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 1–17 of the ‘309 patent, literally or under the doctrine of equivalents. Moreover, CancerIQ has known of the ‘309 patent and the technology underlying it from at least the date of issuance of the patent.

12. CancerIQ has caused and will continue to cause DatRec damage by direct and indirect infringement of (including inducing infringement of) the claims of the ‘309 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 ‘309 patent through CancerIQ’s EHR;
- 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.

DATED: March 4, 2021

Respectfully submitted,

STAMOULIS & WEINBLATT LLC

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Attornies for DatRec, LLC