

MARC E. HANKIN (SBN: 170505)  
marc@hankinpatentlaw.com  
HANKIN PATENT LAW, APC  
12400 Wilshire Blvd, Suite 1265  
Los Angeles, CA 90025-1041  
Telephone: (310) 979-3600  
Facsimile: (310) 979-3603

**Ramey & Schwaller, LLP**  
William P. Ramey, III (pro hac anticipated)  
Texas Bar No. 24027643  
5020 Montrose Blvd., Suite 800  
Houston, Texas 77006  
Telephone: (713) 426-3923  
Facsimile: (832) 900-4941  
wramey@rameyfirm.com

Attorneys for Defendant,  
**DATREC, LLC.**

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

**DATREC, LLC**

**Plaintiffs,**

**v.**

**NEXTGEN HEALTHCARE,  
INC.,**

**Defendant.**

**CASE No. 8:21-cv-433**

**PLAINTIFF DATREC, LLC'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. 8,381,309 ("the '309 patent") (referred to as the "Patent-in-Suit") by Nextgen Healthcare, Inc. ("Nextgen").

**I. THE PARTIES**

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

3  
4           2. On information and belief, Nextgen is a corporation organized and existing  
5 under the laws of California, with a principal place of business located at 18111 Von  
6 Karman Ave., Suite 800, Irvine, California 92612. Nextgen is incorporated in  
7 California. On information and belief, Nextgen sells and offers to sell products and  
8 services throughout California, including in this judicial district, and introduces  
9 products and services that perform infringing methods or processes into the stream  
10 of commerce knowing that they would be sold in California and this judicial district.  
11 Nextgen can be served with process at its registered agent, C T Corporation Systems,  
12 818 West Seventh Street, Suite 930, Los Angeles, CA 90017 or anywhere else it may  
13 be found.  
14  
15  
16

## 17           **II. JURISDICTION AND VENUE**

18  
19           3. This Court has original subject-matter jurisdiction over the entire action  
20 pursuant to 28 U.S.C. §§ 1331 and 1338(a) because Plaintiff's claim arises under an  
21 Act of Congress relating to patents, namely, 35 U.S.C. § 271.  
22

23           4. This Court has personal jurisdiction over Defendant because: (i) Defendant is  
24 present within or has minimum contacts within the State of California and this  
25 judicial district; (ii) Defendant has purposefully availed itself of the privileges of  
26 conducting business in the State of California and in this judicial district; and (iii)  
27  
28

1 Plaintiff's cause of action arises directly from Defendant's business contacts and  
2 other activities in the State of California and in this judicial district.

3 5. Venue is proper in this district under 28 U.S.C. §§ 1391(b) and 1400(b).  
4 Defendant has committed acts of infringement and is incorporated in California.  
5 Further, venue is proper because Defendant conducts substantial business in this  
6 forum, directly or through intermediaries, including: (i) at least a portion of the  
7 infringements alleged herein; and (ii) regularly doing or soliciting business, engaging  
8 in other persistent courses of conduct and/or deriving substantial revenue from goods  
9 and services provided to individuals in California.  
10  
11

### 12 **III. INFRINGEMENT**

#### 13 **A. Infringement of the '309 Patent**

14 6. On February 9, 2013, U.S. Patent No. 8,381,309 ("the '309 patent", attached  
15 as Exhibit A) entitled "Method and System for Secure Communication Over a Public  
16 Network" was duly and legally issued by the U.S. Patent and Trademark Office.  
17 DatRec, LLC owns the '309 patent by assignment.  
18  
19

20 7. The '309 patent relates to a novel and improved system for secure  
21 communication over a public network.  
22

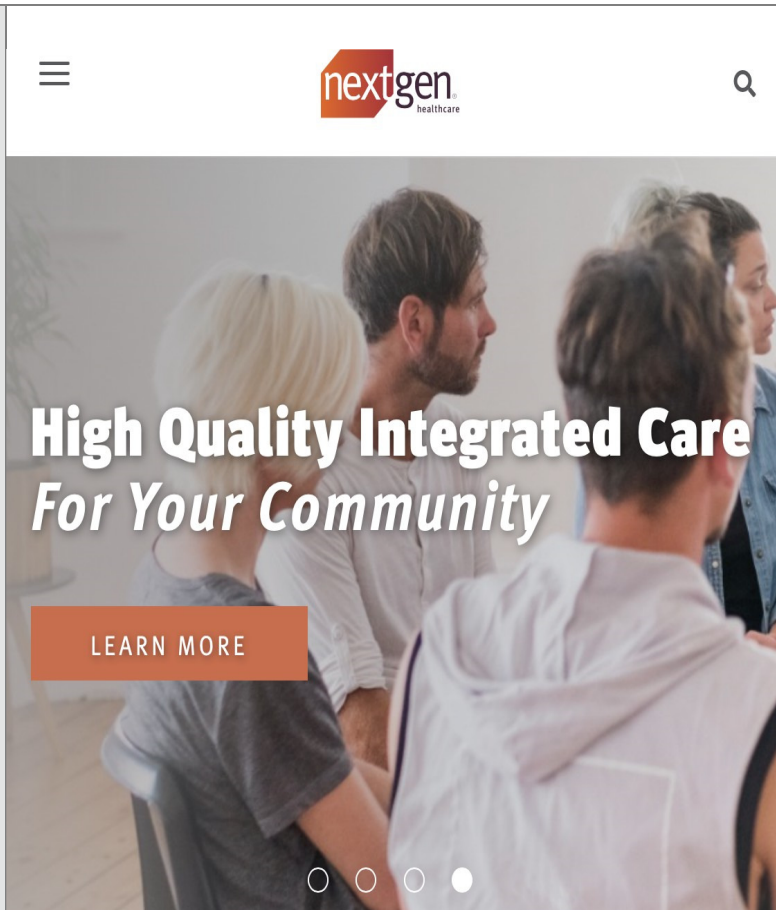
23 8. Nextgen maintains, operates, and administers electronic health records  
24 through its website at [www.Nextgen.com](http://www.Nextgen.com), and other sources, that infringe one or  
25 more claims of the '309 patent, including one or more of claims 1-17, literally or  
26 under the doctrine of equivalents. Defendant put the inventions claimed by the '309  
27  
28

1 Patent into service (i.e., used them); but for Defendant's actions, the claimed-  
2 inventions embodiments involving Defendant's products and services would never  
3 have been put into service. Defendant's acts complained of herein caused those  
4 claimed-invention embodiments as a whole to perform, and Defendant's procurement  
5 of monetary and commercial benefit from it.  
6

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

10 **US8381309 B2 NXGN Management: NextGen**  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1 9. A system for  
2 enabling  
3 communication  
4 between users over  
5 acommunication  
6 network, the system  
7 comprising;



15 ©2021 NXGN Management, LLC. All Rights Reserved.

16 <<https://www.nextgen.com/>>

17 NXGN Management: NextGen has a system for  
18 enabling communicationbetween users over a  
19 communication network.

20 The reference includes subject matter disclosed by the  
21 claims of the patent afterthe priority date.

22  
23  
24 **US8381309 B2**

**NXGN Management: NextGen**

<p>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;</p>	<div data-bbox="725 216 1221 359"> <h2>Secure, customized resources</h2> </div> <div data-bbox="649 380 1302 527"> <p>Our settings limit access to confidential data in a patient's record, accommodating multiple levels of confidentiality.</p> </div> <div data-bbox="636 556 1281 638"> <p><a href="https://www.nextgen.com/products-and-services/health-information-exchange-hie">https://www.nextgen.com/products-and-services/health-information-exchange-hie</a></p> </div> <div data-bbox="636 747 1360 1003"> <p>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.</p> </div>
--	---

US8381309 B2	NXGN Management: NextGen
<p>determining a level of reliability in authenticity based on correspondence between data on said individual entered by a plurality of related individuals; and</p>	<div data-bbox="797 1205 1159 1348"> <h2>Easier patient identification</h2> </div> <div data-bbox="659 1369 1299 1570"> <p>Our solutions enable the integration required to aggregate data from different sources, and then match and identify patients across their longitudinal record.</p> </div> <div data-bbox="636 1598 1281 1680"> <p><a href="https://www.nextgen.com/products-and-services/health-information-exchange-hie">https://www.nextgen.com/products-and-services/health-information-exchange-hie</a></p> </div> <div data-bbox="636 1724 1382 1892"> <p>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.</p> </div>

US8381309 B2

NXGN Management: NextGen

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.

## Improved network connections

Regulatory requirements demand secure messaging and document exchange. Our vendor-agnostic, accredited health information service provider (HISP) connects with your network of hospitals, providers, clinics, payers, and others.

<https://www.nextgen.com/products-and-services/health-information-exchange-hie>

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.

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

10. Nextgen has and continues to induce infringement. Nextgen 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

1 equivalents. Moreover, Nextgen has known of the '309 patent and the technology  
2 underlying it from at least the date of issuance of the patent.

3 11.Nextgen has and continues to contributorily infringe. Nextgen has actively  
4 encouraged or instructed others (e.g., its customers and/or the customers of its related  
5 companies), and continues to do so, on how to use its products and services (e.g.,  
6 question and answer services on the Internet) and related services that provide  
7 question and answer services across the Internet such as to cause infringement of one  
8 or more of claims 1–17 of the '309 patent, literally or under the doctrine of  
9 equivalents. Moreover, Nextgen has known of the '309 patent and the technology  
10 underlying it from at least the date of issuance of the patent.

11 12.Nextgen has caused and will continue to cause DatRec damage by direct and  
12 indirect infringement of (including inducing infringement of) the claims of the '309  
13 patent.

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

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

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

17 WHEREFORE, DatRec prays for relief as follows:

- 18 a. enter judgment that Defendant has infringed the claims of the '309 patent  
19 through Nextgen's Electronic Health Records (EHR);
- 20 b. award DatRec damages in an amount sufficient to compensate it for  
21 Defendant's infringement of the '309 patent in an amount no less than a  
22



- 1 reasonable royalty or lost profits, together with pre-judgment and post-  
2 judgment interest and costs under 35 U.S.C. § 284;
- 3 c. award DatRec an accounting for acts of infringement not presented at trial and  
4 an award by the Court of additional damage for any such acts of infringement;
- 5  
6 d. declare this case to be “exceptional” under 35 U.S.C. § 285 and award DatRec  
7 its attorneys’ fees, expenses, and costs incurred in this action;
- 8  
9 e. declare Defendant’s infringement to be willful and treble the damages,  
10 including attorneys’ fees, expenses, and costs incurred in this action and an  
11 increase in the damage award pursuant to 35 U.S.C. § 284;
- 12  
13 f. a decree addressing future infringement that either (i) awards a permanent  
14 injunction enjoining Defendant and its agents, servants, employees, affiliates,  
15 divisions, and subsidiaries, and those in association with Defendant from  
16 infringing the claims of the Patents-in-Suit, or (ii) awards damages for future  
17 infringement in lieu of an injunction in an amount consistent with the fact that  
18 for future infringement the Defendant will be an adjudicated infringer of a  
19 valid patent, and trebles that amount in view of the fact that the future  
20 infringement will be willful as a matter of law; and
- 21  
22  
23 g. award DatRec such other and further relief as this Court deems just and proper.  
24

25  
26 DATED: March 8, 2021

27 Respectfully submitted,  
28

**Hankin Patent Law, APC**

/Marc E. Hankin/

Marc E. Hankin  
Attorneys for Defendant,  
**DatRec, LLC**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28