

**IN THE UNITED STATES DISTRICT COURT
FOR MIDDLE DISTRICT OF FLORIDA**

DATREC, LLC,)	
)	
Plaintiff,)	
)	Civil Action No. 8:21-cv-610
v.)	
)	
ECLIPSE EHR SOLUTIONS, LLC)	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. 8,381,309 (“the ‘309 patent”) (referred to as the “Patent-in-Suit”) by Eclipse EHR Solutions, LLC (“Eclipse”).

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, Eclipse is a limited liability company organized and existing under the laws of Florida, with a principal place of business located at 11242 Commercial Way, Brooksville, FL 34614, Hernando County, in the U.S. District Court for the Middle District of Florida. On information and belief, Eclipse sells and offers to sell products and services throughout Florida, 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 Florida and this judicial district. Eclipse can be served with process at its Registered Agent: Blumberg Excelsior Corporate Services, Inc. at 155 Office Plaza Drive, 1st Floor, Tallahassee, FL 32301 or anywhere else it may be served.

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 Defendants are Florida LLC with a principal, physical place of business in Florida. 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 Florida and this judicial district; (ii) Defendant has purposefully availed itself of the privileges of conducting business in the State of Florida 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 Florida 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 Florida and this District.

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III. INFRINGEMENT

A. Infringement of the '309 Patent

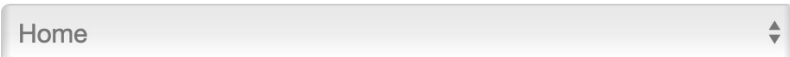
7. On February 9, 2013, U.S. Patent No. 8,381,309 (“the '309 patent”, attached as Exhibit A) entitled “Methods and Systems for Secure Communication Over a Public Network” was duly and legally issued by the U.S. Patent and Trademark Office. DatRec, LLC owns the '309 patent by assignment.

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

9. Eclipse maintains, operates, and administers electronic health records through its website at www.Eclipsepracticemanagementsoftware.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.

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

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



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<http://eclipsepracticemanagementsoftware.com/>

MPN Software Systems 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.

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MPN Software Systems

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;

Chiropractic EHR, Billing, and Practice Management Software

ECLIPSE is an ONC certified Complete EHR licensed to over 37,000 users across more than 7,000 Chiropractic, Physical Therapy, and Medical facilities throughout the United States on their LAN's & in the cloud. Practices range from single practitioner to multidisciplinary, multi-site practices with dozens of providers and 200+ networked computers that bill millions in revenue monthly. Multi-faceted documentation capabilities allow you to create SOAP, bundle it into a password protected PDF for any date range – along with other documentation – and submit it electronically as required with bills or email it to an attorney. HIPAA compliant KIOSK functions help keep staff efficient by allowing patients to enter PHI and subjective complaints. Accounting functions allow any third-party (e.g. HMO, PPO, Major Medical) coverage to be handled easily and – in most cases – automatically. Sales tax, late charges, inventory, etc., are all interactively handled and can be optionally included or excluded from claim forms by insurance carrier. Appointment scheduling along with email reminders, text messaging, detailed sort & search criteria, fast service entry, electronic claims transmission & remittance with sophisticated error-checking, and split account/billing ledgers are just a few standard features. Custom forms allow you to automate standard payer documents such as HMO certification requests. And since every facet of ECLIPSE was developed by our programming team, billing, scheduling, history, SOAP, document imaging, and other features all work together seamlessly.

<http://eclipsepracticemanagementsoftware.com/>

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

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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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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.

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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.

11. Eclipse has and continues to induce infringement. Eclipse 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, Eclipse has known of the ‘309 patent and the technology underlying it from at least the date of issuance of the patent.

12. Eclipse has and continues to contributorily infringe. Eclipse 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, Eclipse has known of the ‘309 patent and the technology underlying it from at least the date of issuance of the patent.

13. Eclipse 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.

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V. PRAYER FOR RELIEF

WHEREFORE, DatRec prays for relief as follows:

- a. enter judgment that Defendant has infringed the claims of the '309 patent;
- b. award DatRec damages in an amount sufficient to compensate it for Defendant's infringement of the '309 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 16, 2021

Respectfully submitted,

/s/Victoria E. Brieant

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DATREC, LLC**