

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

DATREC, LLC,)	
Plaintiff,)	
)	Civil Action No. 6:21-cv-00785
v.)	
)	
YARDI SYSTEMS, 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 U.S. Patent No. Y (“the ‘309 patent”) (referred to as the “Patent-in-Suit”) by Yardi Systems, Inc. (“Yardi”).

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, YARDI is a corporation existing under the laws of the State of Delaware, with a principal place of business located at 12301 Research Blvd Building 4, Suite 100, Austin, TX 78759. On information and belief, YARDI 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 through its registered agent Corporation Service Company dba CSC - Lawyers Incorporating Service Company 211 E. 7th Street, Suite 620 Austin, TX 78701-3218 USA or wherever they 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 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 '309 Patent

6. On February 9, 2013, U.S. Patent No. 8,381,309 ("the '309 patent", attached as Exhibit A) entitled "Method and System for Ecore 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.

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

8. Defendant maintains, operates, and administers electronic health records through its website, and other sources, 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:

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



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Yardi EHR

Empower staff with tools to deliver better care to residents

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<https://www.yardi.com/products/ehr-senior-care/>

Yardi 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 afterthe

priority date.

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Yardi 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;

Automate compliance, mitigate risk and provide instant access to health care and medication information through secure online access for doctors and pharmacy staff.

Provide your staff with access to electronic point-of-care charting for all care-related tasks including medication orders, wound treatment, behavioral issues, daily assignments and more. Work online and offline with instant data-sync to capture unassessed tasks for accurate billing and streamlined care.

<https://www.yardi.com/products/ehr-senior-care/>

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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<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>	<p>Provide your staff with access to electronic point-of-care charting for all care-related tasks including medication orders, wound treatment, behavioral issues, daily assignments and more. Work online and offline with instant data-sync to capture unassessed tasks for accurate billing and streamlined care.</p> <p>Yardi employs comprehensive safeguards and controls in compliance with HIPAA Security and Privacy Rule best practice recommendations. Data encryption, SOX-compliant controls and multi-tiered security protocols ensure your data is secure and protected against virus and malware attacks.</p> <p>https://www.yardi.com/products/ehr-senior-care/</p> <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>
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<p>US8381309 B2 Yardi Systems</p>	
<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>	<p>Full medication listing, including active and discontinued prescriptions, reduces errors and shortens time spent on documentation. Real-time communication between caregivers, physicians and pharmacists eliminates time-consuming fax transmissions and increases operational efficiency.</p> <p>https://www.yardi.com/products/ehr-senior-care/</p> <p>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>

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

11. YARDI has and continues to induce infringement. YARDI 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., use EHR) and related services that provide EHR 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, YARDI has known of the ‘309 patent and the technology underlying it from at least the date of issuance of the patent.

12. YARDI has and continues to contributorily infringe. YARDI 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., use EHR) and related services that provide EHR 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, YARDI has known of the ‘309 patent and the technology underlying it from at least the date of issuance of the patent.

13. YARDI 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;
- 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.

Respectfully submitted,

/s/William P. Ramey, III

William P. Ramey, III

Ramey & Schwaller, LLP

Texas State Bar No. 24027643

5020 Montrose Blvd., Suite 800

Houston, Texas 77006

(713) 426-3923 (telephone)

(832) 900-4941 (fax)

wramey@rameyfirm.com

Attorneys for DatRec, LLC