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

DATREC, LLC,	)	
Plaintiff,	)	
	)	**Civil Action No. 6:21-cv-00875**
v.	)	
	)	
SAP AMERICA, 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. 8,381,309 ("the '309 patent")

(referred to as the "Patent-in-Suit") by SAP America, Inc. ("SAP").

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, SAP is a corporation existing under the laws of the State of

Delaware, with a place of business located at 111 Congress Ave, Austin, TX 78704. On

information and belief, SAP 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 CT CORP.

SYSTEM 1999 Bryan St., Ste. 900, Dallas, TX 75201-3136 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 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.
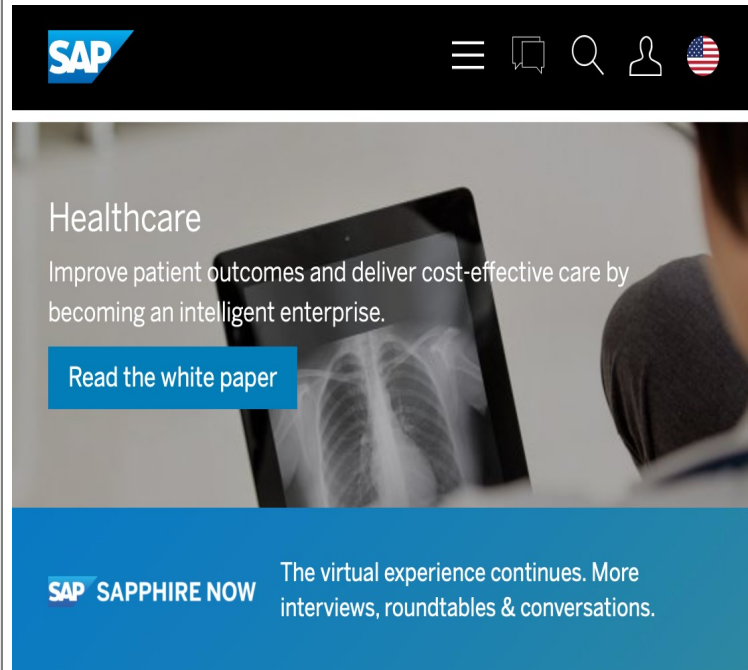
7.   The '309 patent relates to a novel and improved system for secure communication over a public network.

8.   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:

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9. A system for enabling communication between users over a communication network, the system comprising;	© 2017 SAP SE or an SAP affiliate company. All rights reserved. <https://www.sap.com/industries/healthcare.html> SAP has a system for enabling communication between users over acommunication network. The reference includes subject matter disclosed by the claims of the patent afterthe priority date.

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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;	SAP EMR Unwired Backend Adapter enables the seamless integration of *SAP Patient Management* (IS-H) / i.s.h.med and the SAP EMR Unwired app using SAP Mobile Server for Healthcare. SAP EMR Unwired Backend Adapter is available as of SAP ERP 6.0, Industry Extension *Healthcare*, IS-H 618 Support Package 04. It has been released for the country version Germany and the generic versions. SAP EMR Unwired Backend Adapter is part of the standard delivery of *SAP Patient Management* (IS-H). It is independent of the Backend Adapter provided by SAP Germany, which is subject to charge. SAP EMR Unwired Backend Adapter is compatible with the app SAP EMR Unwired Version 2.X and the SAP Mobile Server for Healthcare (component `MEMR ADAPTER`), Version 1.0, as of Support Package 13. SAP EMR Unwired Backend Adapter supports the functions in *SAP Patient Management* and i.s.h.med described below. You can use the configurable EMR Middleware to add customer-specific enhancements to the SAP EMR Unwired app. Contact your regional SAP consultancy if necessary. Users who will be using the SAP EMR Unwired app on mobile devices need to be assigned the following authorizations in the backend system: • `S_RFCACL` – Authorization Check for RFC User (e.g. Trusted System) • `S_SERVICE` – Check at Start of External Services • `S_RFC` – Authorization Check for RFC Access The SAP EMR Unwired app uses the authorizations already assigned to the user for their previous tasks for read access to the patient data in the backend system. <https://help.sap.com/doc/e75107f306434502a04c00a2f1306571/1.0/en-US/AdminG_EMR_V1_1_2016_06_13_EN.pdf> 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	i.s.h.med is intended for use in clinical environments (hospitals, wards, offices, outpatient settings, departments, operation rooms, etc.). End users are healthcare professionals (HP) who are trained and certified as doctors, nurses, assistants, including those in training, under guidance and supervision of healthcare professionals, personnel with limited professional training, such as nurse extenders, etc. Findings include observations and measurements, vital parameters, reports, notes, letters written by doctors and the like. Orders are patient-related instructions to other HP so that medicine and care can be planned, executed, documented and billed for. Data from third party systems made accessible through i.s.h.med include lab values, vital signs, X-ray images, external reports, etc. as well as general medical content (catalog data, incl. search results and the way these are displayed, rules). Data from third party systems made accessible through i.s.h.med also include warnings and alerts based on the ordering and administration of medication, i.e.drug-drug interactions, drug-allergy interactions, violations of dosage instructions and the like, and their categorizations (such as type of alert, alert severity, etc.). They also include proposals and recommendations for drugs and agents provided during switch and reconciliation workflows. <https://help.sap.com/doc/01f7a1a185364dc4b958cf88ecd723de/IS-H%20618%20SP%20006/en-US/d08a171381174364968c047c514726bd.html> 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.	The IS-H System creates messages in relation to business transactions. The structure of the created messages, i.e. their message type, must be known to the partner system so that this system can process the messages received from the IS-H System. You can stipulate at two unrelated levels which message standard you wish to use for message dispatch: • At partner level "partner system X receives all messages from the IS-H system in message standard A" • At event level "due to the event E605, the partner system X receives the message Z in message standard B irrespective of other agreements" <https://help.sap.com/doc/d62f53efeaa84fc4a7c176ce2ce06408/IS-H%20618%20SP%20006/en-US/frameset.htm?639823507c30a902e10000000a44176f.html> The reference describes the system being configured to define one or more levels of permitted communication between individuals in the database and theverified individual on the basis of said verification.

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

12. SAP has and continues to induce infringement. SAP 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 EMR) and related services that provide EMR 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, SAP has known of the '309 patent and the technology underlying it from at least the date of issuance of the patent.

13. SAP has and continues to contributorily infringe. SAP 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 EMR) and related services that provide EMR 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, SAP has known of the '309 patent and the technology underlying it from at least the date of issuance of the patent.

14. SAP 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,

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