

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

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U.S. DISTRICT COURT
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TX EASTERN-MARSHALL

ANTHURIUM SOLUTIONS, INC.,

Plaintiff,

v.

MEDQUIST, INC., ARRENDALE
ASSOCIATES, INC. and SPHERIS, INC.

Defendants.

BY _____

Civil Action No 2-07 CV-484

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT AND JURY TRIAL DEMAND

The plaintiff, Anthurium Solutions, Inc. ("Anthurium"), by and through its attorneys, Brown, McCarroll, L.L.P., brings this action against the defendants, MedQuist, Inc. ("MedQuist"), Arrendale Associates, Inc. ("AAI") and Spheris, Inc. ("Spheris"), seeking damages and injunctive relief for patent infringement. Anthurium states as follows:

THE PARTIES

1. The plaintiff, Anthurium, is a Delaware corporation with its principal place of business in Boston, Massachusetts.
2. The defendant, MedQuist, is a New Jersey corporation with its principal place of business in Mount Laurel, New Jersey.
3. The defendant, AAI, is an Illinois corporation with its principal place of business in Cornelius, North Carolina.
4. The defendant, Spheris, is a Delaware corporation with its principal place of business in Franklin, Tennessee.

JURISDICTION AND VENUE

5. This is an action for patent infringement arising under the Patent Act, 35 U.S.C. § 1, et seq. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338.

6. This Court has personal jurisdiction over the defendants in that each of them has committed acts within Texas and this judicial district giving rise to this action and each of the defendants has established minimum contacts with the forum such that the exercise of jurisdiction over each of the defendants would not offend traditional notions of fair play and substantial justice.

7. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391 and 1400 because the defendants have committed acts of infringement here.

FACTUAL BACKGROUND

8. On April 18, 2006, United States Patent Number 7,031,998 (the “998 Patent”), entitled “Systems and Methods for Automatically Managing Work Flow Based on Optimization of Job Step Scheduling,” was duly issued to A:/SCRIBES Corporation (“Scribes”). A true and accurate copy of the ‘998 Patent is attached hereto.

9. Prior to that time, but after the filing of its patent application, Scribes disclosed the invention described and claimed in the ‘998 Patent (the “Invention”) to MedQuist under Non-Disclosure Agreements.

10. Scribes disclosed the Invention, including the patent application, to MedQuist so that MedQuist could consider incorporating the Invention into its products and systems under a commercial relationship

11. Thereafter, MedQuist notified Scribes that it was not interested in the Invention. Despite this representation, MedQuist uses the Invention at least in its DocQuest Enterprise Platform.

12. Scribes similarly disclosed the Invention and patent application to Delbert Arrendale, the President of AAI, under a Non-Disclosure Agreement.

13. AAI and Scribes entered into a Joint Venture Agreement to develop and commercialize the Invention (the "Joint Venture").

14. Ultimately, the parties withdrew from the Joint Venture before commercializing the Invention.

15. Despite the termination of the Joint Venture, AAI has continued to use the Invention in its IA+ Technology Platform

16. On August 5, 2003, United States Patent Number 6,604,124 (the "'124 Patent"), entitled "Systems and Methods for Automatically Managing Work Flow Based on Tracking Job Step Completion Status," was duly issued to Scribes. The '124 Patent issued from the same application as the '998 Patent.

17. After the '124 Patent issued, Scribes affirmatively notified MedQuist and AAI of its issuance, and of the fact that the '998 Patent application was pending.

18. Upon information and belief, MedQuist and AAI became aware of the '998 Patent in or around the time it issued, were aware that they were using the Invention as disclosed by Scribes to them and as claimed in the '998 Patent, and continued to infringe the '998 Patent thereafter

19. In March 2007, Scribes sold all right, title and interest in the '998 Patent and '124 Patent to Anthurium. Anthurium is the owner of all right, title and interest in the two patents.

COUNT I

(Infringement of U.S. Patent No. 7,031,998 against MedQuist, Inc.)

20 Anthurium repeats and incorporates by reference the allegations set forth in paragraphs 1 through 19.

21 The '998 Patent is valid and enforceable.

22 Anthurium owns the right, title and interest to and in the '998 Patent.

23 MedQuist has infringed and continues to infringe '998 Patent, either directly, by contributory infringement, or by inducing others to infringe, through its DocQuest Enterprise Platform.

24 MedQuist has willfully infringed the '998 Patent, acting in an objectively reckless manner upon the issuance of the '998 Patent.

25 As a direct result of MedQuist's infringement, Anthurium has suffered, and will continue to suffer damages, irreparable harm and impairment of the value of its patent rights.

26 Anthurium is entitled to recover from MedQuist the damages sustained by Anthurium as a result of MedQuist's wrongful acts in an amount subject to proof at trial.

COUNT II

(Infringement of U.S. Patent No. 7,031,998 against AAI)

27 Anthurium repeats and incorporates by reference the allegations set forth in paragraphs 1 through 19

28 The '998 Patent is valid and enforceable.

29 Anthurium owns the right, title and interest to and in the '998 Patent.

30 AAI has infringed and continues to infringe '998 Patent, either directly, by contributory infringement, or by inducing others to infringe, through its TA+ Technology Platform.

31. AAI has willfully infringed the '998 Patent, acting in an objectively reckless manner upon the issuance of the '998 Patent.

32. As a direct result of AAI's infringement, Anthurium has suffered, and will continue to suffer damages, irreparable harm and impairment of the value of its patent rights.

33. Anthurium is entitled to recover from AAI the damages sustained by Anthurium as a result of AAI's wrongful acts in an amount subject to proof at trial.

COUNT III

(Infringement of U.S. Patent No. 7,031,998 against Spheris)

34. Anthurium repeats and reincorporates by reference the allegations set forth in paragraphs 1 through 19.

35. The '998 Patent is valid and enforceable.

36. Anthurium owns the right, title and interest to and in the '998 Patent.

37. Spheris has infringed and continues to infringe the '998 Patent, either directly, by contributory infringement, or by inducing others to infringe, through its Clarity Technology Platform.

38. As a direct result of Spheris' infringement, Anthurium has suffered, and will continue to suffer damages, irreparable harm and impairment of the value of its patent rights.

39. Anthurium is entitled to recover from Spheris the damages sustained by Anthurium as a result of Spheris' wrongful acts in an amount subject to proof at trial.

PRAYER FOR RELIEF

WHEREFORE, Anthurium prays that this Court enter judgment that:

(a) MedQuist, AAI and Spheris have infringed the '998 Patent;

(b) MedQuist, AAI and Spheris, and their officers, agents, servants, employees, subsidiaries, attorneys, and those acting in concert with them, be enjoined from committing the aforesaid acts of infringement;

(c) MedQuist, AAI and Spheris be ordered to pay damages adequate to compensate Anthurium for their infringement of the '998 Patent, along with prejudgment interest;

(d) MedQuist and AAI be ordered to pay enhanced damages and attorneys' fees pursuant to 35 U.S.C §§ 284 and 285; and

(e) Awards Anthurium its costs and such other and further relief as the Court deems just and proper.

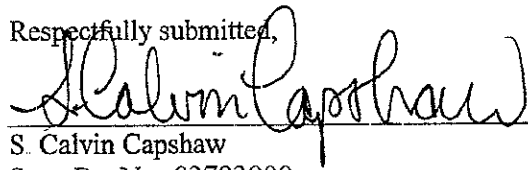
JURY DEMAND

Anthurium demands a trial by jury on all issues so triable.

Dated: November 6, 2007

Respectfully submitted,

By:


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