

Controversy

4. Plaintiff is a partnership formed in the early nineties with the purpose of creating a computer software program that would calculate and audit CPT codes. CPT, standing for “Current Procedural Technology,” coding is the healthcare standard for billing practices. Virtually every healthcare provider and hospital facility utilize CPT codes to bill Medicare and private party insurance companies.

5. Plaintiff’s assignors invented a revolutionary software program that audits and calculates for providers the “E & M” level needed for CPT code calculation. E & M stands for “evaluation and management,” two pieces of information required for appropriate CPT coding.

6. Patent application was filed and Plaintiff received United States Letters Patent for its computerized method of calculating CPT codes. The patent was duly assigned, prior to its issuance, to Plaintiff. Attached to this complaint as Exhibit A is a copy of Plaintiff’s United States Patent No. 5,483,443 (“443 patent”), dated January 9, 1996 with a filing date of April 8, 1994.

7. Plaintiff is and has continuously been the owner of all right, title and interest in and to Plaintiff’s Patent.

Claims or Causes of Action

8. Upon information and belief, Defendant is making, using and selling, within this District and elsewhere, “Alpha II” software, which includes, but is not limited to, Alpha II Coding System, Alpha II Claimstaker and Alpha II I-Coder, that directly infringes under 35 U.S.C. § 271(a), contributorily infringes under 35 U.S.C. § 271(c) and/or inducingly infringes under 35 U.S.C. § 271(b)

9. Defendant is infringing Plaintiff’s Patent willfully and with knowledge of Plaintiff’s

Patent

10 As a result of Defendant's infringement, Plaintiff has suffered and will continue to suffer grievous damage.

Demand for Jury Trial

11 Plaintiff respectfully demands a trial by jury for all claims alleged herein

Prayer

12 PROMPT MEDICAL SYSTEMS, L P respectfully prays for and asks the Court to find and enter judgment as to the following:

(A) This Court adjudge that United States Patent No 5,483,443 is valid and that UNICOR MEDICAL, INC. is and has infringed the patent by direct infringement under 35 U.S.C. § 271(a), contributory infringement under 35 U.S.C § 271(c) and/or by inducing infringement under 35 U.S.C § 271(b) as claimed in the Complaint;

B) That Plaintiff be awarded under 35 U.S.C. § 284, in an amount to be proven at trial, damages adequate to compensate Plaintiff for Defendant's infringement of the '443 patent;

C) That Plaintiff be awarded its costs and prejudgment interest on its damages, as provided for by 35 U.S.C. § 284;

D) A preliminary and permanent injunction be issued enjoining Defendant and all of its officers, agents, affiliates, servants, employees, and attorneys, and all other persons in active concert or participation with them, from further infringement, inducing infringement, and/or contributing to the infringement of the '443 patent;

E) An accounting be had for the damages to Plaintiff arising out of Defendant's infringing activities, together with interest and costs and that such damages be awarded to

Plaintiff;

- F) That Defendant be adjudged a willful infringer and that the damages to Plaintiff be increased under 35 U.S.C. § 284 to three (3) times the amount found or measured;
- G) An award of attorney fees to Plaintiff under 35 U.S.C. § 285;
- H) That the Defendant be ordered to make a written report within a reasonable period, to be filed with the Court, detailing the manner of their compliance with the requested injunction; and
- I) That Plaintiff be entitled to such other and further relief as the Court may deem appropriate.

Respectfully submitted,

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