

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
(GREENBELT DIVISION)

DR. MARK L. KOZAM, d/b/a
MLK SOFTWARE,
T-114 Prince Philip Drive
Olney, Maryland 20810

Plaintiff,

v.

PHASE FORWARD INCORPORATED
880 Winter Street
Waltham, Massachusetts 02451,

and

QUINTILES INC.
1801 Rockville Pike
Suite 300
Rockville, Maryland 20852,

Defendants.

Civil Action No. _____

**COMPLAINT FOR PATENT INFRINGEMENT
AND DEMAND FOR JURY TRIAL**

Plaintiff, Dr. Mark L. Kozam d/b/a MLK Software, by counsel, files this complaint against
defendants Phase Forward Incorporated and Quintiles Inc., and alleges as follows:

1. This is an action for patent infringement under 35 U.S.C. § 1 et seq.

PARTIES

2. Plaintiff, Dr. Mark L. Kozam is a natural person doing business as MLK Software (hereinafter referred to as “MLK”) with offices located at T-114 Prince Philip Drive, Olney, Maryland 20810.

3. Defendant Phase Forward Incorporated (“Phase Forward”) is a corporation formed and existing under the laws of the state of Delaware with offices located at 880 Winter Street, Waltham, Massachusetts 02451.

4. Defendant Quintiles Inc. (“Quintiles”), is a corporation formed and existing under the laws of North Carolina, with offices located at 1801 Rockville Pike, Suite 300, Rockville, Maryland 20852.

JURISDICTION AND VENUE

5. This action arises under the patent laws of the United States, 35 U.S.C. § 1 et seq. Subject matter jurisdiction exists pursuant to 28 U.S.C. §§ 1331 and 1338(a).

6. Personal jurisdiction over the defendants is proper in this District.

7. Venue exists in this District pursuant to 28 U.S.C. §§ 1391(c) and 1400(b).

MLK’s PATENT RIGHTS

8. MLK owns all title, right, and interest in and to United States Letters Patent No. 6,496,827 (the ‘827 patent) entitled Methods and Apparatus for the Centralized Collection and Validation of Geographically Distributed Clinical Study Data with Verification of Input Data to the Distributed System, which was duly and legally issued by the United States Patent and Trademark Office on December 17, 2002. A copy of the ‘827 patent is attached as Exhibit A.

COUNT I
(Patent Infringement By Phase Forward -- 35 U.S.C. § 271)

9. Phase Forward has and continues to infringe directly, indirectly, contributorily, and/or by inducement, the claims of the '827 patent by making, using, offering to sell, and/or selling products and services, including its Inform, Clintrial and Clintrial Integration Solution products, in this District and throughout the United States.

10. Phase Forward's acts of infringement will continue unless enjoined by this Court.

11. Phase Forward's acts of infringement have caused and will continue to cause MLK substantial and irreparable injury for which MLK is entitled to receive injunctive relief and damages adequate to compensate it for such infringement.

12. Phase Forward has been on notice of its infringement of the '827 patent since at least as early as January 9, 2003 and, notwithstanding such notice, has continued to engage in such infringing activity.

13. Phase Forward's acts of infringement have been willful and deliberate rendering this case "exceptional" within the meaning of 35 U.S.C. § 285.

COUNT II
(Patent Infringement By Quintiles -- 35 U.S.C. § 271)

14. Quintiles has and continues to infringe directly, indirectly, contributorily, and/or by inducement, the claims of the '827 patent by making, using, offering to sell, and/or selling products and services in this District and throughout the United States.

15. Quintiles' acts of infringement will continue unless enjoined by this Court.

16. Quintiles' acts of infringement have caused and will continue to cause MLK substantial and irreparable injury for which MLK is entitled to receive injunctive relief and damages adequate to compensate it for such infringement.

17. Quintiles has been on notice of its infringement of the '827 patent since at least as early as January 9, 2003 and, notwithstanding such notice, has continued to engage in such infringing activity.

18. Quintiles' acts of infringement have been willful and deliberate rendering this case "exceptional" within the meaning of 35 U.S.C. § 285.

DEMAND FOR RELIEF

WHEREFORE, MLK requests this Court to enter judgment in its favor and against Phase Forward and Quintiles, awarding it the following relief:

With respect to Count I against Phase Forward:

A. Permanently enjoining Phase Forward, its officers, agents, servants, employees, and any others acting in concert with it from infringing the '827 patent, through its Inform, Clintrial and Clintrial Integration Solution products, as well as any other products that infringe MLK's patent rights;

B. Awarding MLK damages resulting from Phase Forward's acts of infringement and ordering Phase Forward to account for and pay to MLK damages adequate to compensate MLK for the infringement of its patent rights, including lost profits;

C. As a result of Phase Forward's willful acts of infringement, awarding MLK treble damages pursuant to 35 U.S.C. § 284;

D. Declaring this case exceptional pursuant to 35 U.S.C. § 285 and awarding MLK interest, costs, expenses and attorney's fees; and

E. Granting MLK such other relief as the Court deems just and proper.

With respect to Count II against Quintiles:

- A. Permanently enjoining Quintiles, its officers, agents, servants, employees, and any others acting in concert with it from infringing the '827 patent;
- B. Awarding MLK damages resulting from Quintiles' acts of infringement and ordering Quintiles to account for and pay to MLK damages adequate to compensate MLK for the infringement of its patent rights, including lost profits;
- C. As a result of Quintiles' willful acts of infringement, awarding MLK treble damages pursuant to 35 U.S.C. § 284;
- D. Declaring this case exceptional pursuant to 35 U.S.C. § 285 and awarding MLK interest, costs, expenses and attorney's fees; and
- E. Granting MLK such other relief as the Court deems just and proper.

JURY DEMAND

Plaintiff hereby demands trial by jury as to all issues in this action triable of right by a jury.

DR. MARK L. KOZAM d/b/a
MLK SOFTWARE
By Counsel

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Dated: June 7, 2004

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