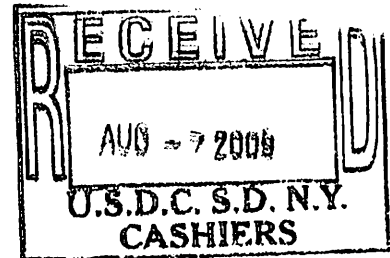


IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

SANDATA TECHNOLOGIES, INC.,)
)
Plaintiff,)
)
v.)
)
AMERICAN EPAY, INC. and)
MEDICAL MANAGEMENT)
TECHNOLOGY GROUP INC.)
)
Defendants.)
_____)

09-CV-6353 (LMM)(THK)

JURY TRIAL DEMANDED



AMENDED COMPLAINT

Plaintiff Sandata Technologies, Inc. ("Plaintiff"), for its complaint herein against defendants American Epay, Inc. and Medical Management Technology Group Inc. (collectively "Defendants"), alleges as follows:

I. THE PARTIES

1. Plaintiff is a corporation organized and existing under the laws of the State of New York with a place of business at 26 Harbor Park Drive, Port Washington, New York 11050.
2. Upon information and belief, defendant American Epay, Inc. ("American Epay") is a corporation of the State of Illinois with a place of business at 8430 West Bryn Mawr Avenue, Suite 450, Chicago, Illinois 60631.
3. Upon information and belief, American Epay does business in the State of New York and in this judicial district on a continuous and systematic basis, including without limitation, by offering for sale or use, and/or selling or using at least its web-based telephone time-keeping system ("the Fonen System") in New York State.
4. Upon information and belief, defendant Medical Management Technology Group

Inc. ("MMTG") is a corporation with a place of business at 360 Fifth Avenue, Troy, New York 12182.

5. Upon information and belief, MMTG does business in the State of New York and in this judicial district on a continuous and systematic basis, including without limitation, by offering for sale or use, and/or selling or using at least its Home Health Care Verification System ("HVS") in New York State.

II. JURISDICTION AND VENUE

6. This is an action for patent infringement arising under the patent laws of the United States, United States Code, Title 35, §§ 1 *et seq.*

7. This Court has subject matter jurisdiction of the action under Title 28, United States Code, §§ 1331 and 1338(a).

8. Upon information and belief, venue in this judicial district is proper under Title 28, United States Code, §§ 1391(b) and (c) and 1400(b).

III. FACTUAL BACKGROUND

9. United States Patent No. 5,963,912 ("the '912 Patent"), entitled "Telephone-Based Personnel Tracking System" (Ex. A), was duly and legally issued on October 5, 1999.

10. On June 30, 2005, Plaintiff became the owner by assignment of all right, title and interest in the '912 Patent, and in any licenses previously granted under the '912 Patent, including without limitation, the right to sue and to recover for past and future infringement thereof.

11. Upon information and belief, despite having notice of Plaintiff prior to the commencement of this action, Defendants continue to make, use, sell and/or offer for sale

systems that infringe the '912 Patent without license or authorization from Plaintiff.

IV. PATENT INFRINGEMENT (*American Epay*)

12. Plaintiff incorporates by reference herein the allegations set forth in paragraphs 1-11 herein.

13. American Epay has infringed, and is continuing to infringe, one or more claims of the '912 Patent by making, using, selling and/or offering for sale at least the Fonen System.

14. Upon information and belief, American Epay's infringement of the '912 Patent is and has been willful and deliberate, with full knowledge of the '912 Patent.

15. Plaintiff has suffered damages by reason of American Epay's willful infringement of the '912 Patent, will suffer additional damages, and will be irreparably injured unless the Court enjoins defendant from continuing such infringement.

V. PATENT INFRINGEMENT (*MMTG*)

16. Plaintiff incorporates by reference herein the allegations set forth in paragraphs 1-11 herein.

17. MMTG has infringed, and is continuing to infringe, one or more claims of the '912 Patent by making, using, selling and/or offering for sale at least HVS.

18. Upon information and belief, MMTG infringement of the '912 Patent is and has been willful and deliberate, with full knowledge of the '912 Patent.

19. Plaintiff has suffered damages by reason of MMTG's willful infringement of the '912 Patent, will suffer additional damages, and will be irreparably injured unless the Court enjoins defendant from continuing such infringement.

Meredith & Keyhani, PLLC

330 Madison Avenue, 6th Floor, New York, New York 10017 • Telephone: 212-760-0098 • Facsimile: 212-202-3819

VI. PRAYER

Wherefore, Plaintiff requests a judgment as follows:

A. That Plaintiff is the owner of all right, title and interest in and to United States Patent No. 5,963,912, together with all rights of recovery under such patents for past and future infringement thereof.

B. That United States Patent No. 5,963,912 is valid and enforceable in law and that Defendants have infringed this patent.

C. Awarding to Plaintiff its damages caused by Defendants' infringement of United States Patent No. 5,963,912, including an assessment of pre-judgment and post-judgment interest and costs.

D. That Defendants' infringement has been willful and said damages be trebled pursuant to 35 U.S.C. § 284.

E. Entering a preliminary and permanent injunction against Defendants, its officers, employees, attorneys, all parent and subsidiary corporations and affiliates, their assigns and successors in interest, and those persons in active concert or participation with any of them who receive notice of the injunction, enjoining them from continuing acts of infringement of United States Patent No. 5,963,912, including without limitation, from continuing to make, use, sell and/or offer for sale systems at least the Fonen System and HVS.

F. That this is an exceptional case and awarding to Plaintiff its costs, expenses, and reasonable attorney fees pursuant to 35 U.S.C. § 285.

G. Awarding to Plaintiff such other and further relief as the Court may deem just and proper.

Meredith & Keyhani, PLLC

330 Madison Avenue, 6th Floor, New York, New York 10017 • Telephone: 212-760-0098 • Facsimile: 212-202-3819

VII. DEMAND FOR JURY TRIAL

Pursuant to Rule 38(b) Fed. R. Civ. P., Plaintiff hereby demands a trial by jury for all issues triable of right by a jury in this case.

Date: August 7, 2009

Respectfully submitted,



Dariush Keyhani (DK9673)

Sidney R. Bresnick (SB6471)

Meredith & Keyhani, PLLC

330 Madison Avenue

6th Floor

New York, New York 10017

Telephone: (212) 760-0098

Direct Dial: (646) 536-5692

Facsimile: (212) 202-3819

dkeyhani@meredithkeyhani.com

sbresnick@meredithkeyhani.com

Attorneys for Plaintiff Sandata

Technologies, Inc.

Meredith & Keyhani, PLLC

330 Madison Avenue, 6th Floor, New York, New York 10017 • Telephone: 212-760-0098 • Facsimile: 212-202-3819