

3. CMCD, on information and belief, is a corporation organized under the laws of the State of Texas. CMCD is doing business in Texas, and, on information and belief, has a principal place of business at 1935 Motor Street, Dallas, Texas 75235. CMCD may be served with process by serving its registered agent, Christopher J. Durovich, 1935 Motor Street, Dallas, Texas 75235.
4. Harris Methodist, on information and belief, is a corporation organized under the laws of the State of Texas. Harris Methodist is doing business in Texas, and, on information and belief, has a principal place of business at 1600 Hospital Parkway, Bedford, Texas 76022-6913. Harris Methodist may be served with process by serving its registered agent, Charles W. Boes, 611 Ryan Plaza Drive Suite 900, Arlington, Texas 76011-4008.
5. IASIS, on information and belief, is a limited liability company organized under the laws of the State of Delaware. IASIS is doing business in Texas, and, on information and belief, has a place of business at 520 East 6th Street, Odessa, Texas 79761. IASIS may be served with process by serving its President, David R. White, 117 Seaboard Lane, Building E, Franklin, Tennessee 37067.
6. St. Luke's, on information and belief, is a corporation organized under the laws of the State of Texas. St. Luke's is doing business in Texas, and, on information and belief, has a principal place of business at 6720 Bertner Avenue, Houston, Texas 77030-2604. St. Luke's may be served with process by serving its President, David J. Fine, 6720 Bertner Avenue, Houston, Texas 77030-2604.

JURISDICTION & VENUE

7. This is an action for infringement of United States Patent No. 4,857,713. Accordingly, this action arises under the patent laws of the United States of America, 35 U.S.C. § 1 et.

8. Baylor, upon information and belief, transacts business in this judicial district by using methods as described and claimed in the '713 patent, and/or by conducting other business in this judicial district.
9. CMCD, upon information and belief, transacts business in this judicial district by using methods as described and claimed in the '713 patent, and/or by conducting other business in this judicial district.
10. Harris Methodist, upon information and belief, transacts business in this judicial district by using Methodists as described and claimed in the '713 patent, and/or by conducting other business in this judicial district.
11. IASIS, upon information and belief, transacts business in this judicial district by using methods as described and claimed in the '713 patent, and/or by conducting other business in this judicial district.
12. St. Luke's, upon information and belief, transacts business in this judicial district by using methods as described and claimed in United States Patent No. 4,857,713, the patent at issue in this lawsuit, and/or by conducting other business in this judicial district.
13. Venue is proper in this court under Title 28 United States Code § 1391(b) and 1400(b).

PATENT INFRINGEMENT COUNT

14. On August 15, 1989, the '713 patent entitled "Hospital Error Avoidance System" was duly and legally issued. A true and correct copy of the '713 patent is attached as Exhibit A.
15. Pursuant to 35 U.S.C. § 282, the above-listed United States Patent is presumed valid.

16. Plaintiff, Jack Brown, is the owner and sole inventor of the '713 patent.
17. Baylor, on information and belief used a system that infringed the sole claim of the '713 patent prior to its expiration, including for example and without limitation a bedside medication verification system, as well as any other systems or devices acting or capable of acting in the manner described and claimed in the '713 patent.
18. CMCD, on information and belief used a system that infringed the sole claim of the '713 patent prior to its expiration, including for example and without limitation a Point-of-Care System, as well as any other systems or devices acting or capable of acting in the manner described and claimed in the '713 patent.
19. Harris Methodist, on information and belief used a system that infringed the sole claim of the '713 patent prior to its expiration, including for example and without limitation the hardware and software of Admin-Rx and AdminScan-Rx, and all previous versions of this system, provided by McKesson, as well as any other systems or devices acting or capable of acting in the manner described and claimed in the '713 patent.
20. IASIS, on information and belief used a system that infringed the sole claim of the '713 patent prior to its expiration, including for example and without limitation a bedside medication verification system, as well as any other systems or devices acting or capable of acting in the manner described and claimed in the '713 patent.
21. St. Luke's, on information and belief used a system that infringed the sole claim of the '713 patent prior to its expiration, including for example and without limitation a bedside medication verification system, as well as any other systems or devices acting or capable of acting in the manner described and claimed in the '713 patent.

22. The infringement of the '713 patent alleged above has injured the Plaintiff and thus, it is entitled to recover damages adequate to compensate for Baylor, CMCD, Harris Methodist, IASIS, and St. Luke's infringement, which in no event can be less than a reasonable royalty.

DEMAND FOR JURY TRIAL

23. Plaintiff hereby demands a jury trial on all claims and issues.

PRAYER FOR RELIEF

Wherefore, Plaintiff prays for entry of judgment:

A. that Defendants, Baylor, CMCD, Harris Methodist, IASIS, and St. Luke's have infringed the sole claim of the '713 patent;

B. that Defendants, Baylor, CMCD, Harris Methodist, IASIS, and St. Luke's account for and pay to Plaintiff all damages caused by the infringement of the '713 patent, which by statute can be no less than a reasonable royalty;

C. that Plaintiff be granted pre-judgment and post-judgment interest on the damages caused to them by reason of Defendants, Baylor, CMCD, Harris Methodist, IASIS, and St. Luke's infringement of the '713 patent;

D. that Plaintiff be granted its attorneys' fees in this action;

E. that costs be awarded to Plaintiff;

F. that Plaintiff be granted such other and further relief as the Court may deem just and proper under the current circumstances.

Respectfully submitted,

Date: October 17, 2008

/s/ Edward W. Goldstein
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ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this pleading was served on all counsel who have consented to electronic service. Local Rule CV-5(a)(3)(A). Pursuant to Fed.R.Civ.P. 5(d) and Local Rule CV-5(e), all other counsel of record not deemed to have consented to electronic service were served with a true and correct copy of the foregoing by certified mail, return receipt requested, on this the 17th day of October, 2008.

/s/ Edward W. Goldstein
Edward W. Goldstein