

FILED

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION**

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U.S. DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE, FLORIDA

PPS DATA, LLC, a Nevada limited liability  
company,

Plaintiff,

v.

Case No. 3:11-cv-747-J-32 JRK

AVAILITY, LLC, a Florida limited liability  
company; and REALMED CORPORATION,  
a Delaware corporation; and

**JURY TRIAL DEMANDED**

Defendants.

**COMPLAINT FOR PATENT INFRINGEMENT**

PPS Data, LLC ("PPS Data") brings this action against defendants Availity, LLC ("Availity") and RealMed Corporation ("RealMed") (all defendants collectively referred to hereafter as "Defendants"), and alleges:

**THE PARTIES**

1. PPS Data is a limited liability company organized under the laws of the State of Nevada and has its principal place of business in Salt Lake City, Utah.

2. On information and belief, Availity is a limited liability company with headquarters in Jacksonville, Florida, organized and existing under the laws of the State of Florida, has designated its registered agent and office for purposes of service of process as Arezou C. Jolly, 4800 Deerwood Campus Pkwy, 100-7, Jacksonville, FL 32246, and is doing business in this judicial district.

3. On information and belief, RealMed is a corporation with headquarters in Indianapolis, Indiana, organized and existing under the laws of the State of Delaware, has designated its registered agent as The Corporation Trust Company and office for purposes of service of process

as Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware 19801, and is doing business in this judicial district.

### **JURISDICTION AND VENUE**

4. This is an action for patent infringement arising under the provisions of the Patent Laws of the United States of America, Title 35, United States Code.

5. Subject-matter jurisdiction over PPS Data's claims is conferred upon this Court by 28 U.S.C. §§ 1331 and 1338(a).

6. On information and belief, Defendants have solicited business in the State of Florida, transacted business within the State of Florida and attempted to derive financial benefit from residents of the State of Florida, including benefits directly related to the instant patent infringement cause of action set forth herein.

7. On information and belief, the defendants have placed their infringing goods, systems, methods, compositions and/or services, including, but not limited to (1) Availity's "AVAILITY HEALTH INFORMATION NETWORK" system and (2) RealMed's "REALMED CENTRAL" system, into the stream of commerce throughout the United States, which goods, systems, methods, compositions and/or services have been offered for sale, sold and/or used in the State of Florida and/or in the District of Florida.

8. Defendants, directly or through their subsidiaries, divisions, groups or distributors have committed acts of infringement in this judicial district, are subject to personal jurisdiction in this judicial district, and/or are doing business in this judicial district.

9. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(c) and/or 1400(b).

## **CLAIMS FOR RELIEF**

### **CLAIM 1**

#### **Patent Infringement of U.S. Patent No. 6,343,271**

10. On January 29, 2002, U.S. Patent No. 6,343,271 (“the ’271 patent”), entitled “Electronic Creation, Submission, Adjudication, and Payment of Health Insurance Claims” a copy of which is attached as Exhibit A, was duly and legally issued by the United States Patent and Trademark Office. PPS Data is the owner of all right, title and interest in and to the ’271 patent, including the right to sue for and recover all past, present and future damages for infringement of the ’271 patent.

11. Upon information and belief, Defendants, directly or through their subsidiaries, divisions or groups, have infringed and continue to infringe the ’271 patent by making, using, selling and/or offering to sell, or allowing others to make, use, sell and/or offer for sale, in the United States, Florida and/or this judicial district, goods, systems, methods, compositions and/or services that are covered by one or more of the claims of the ’271 patent, including, but not limited to claims 1, 2, 7, 10, 12, 17, 18, and 19. Defendants are liable for infringement of the ’271 patent pursuant to 35 U.S.C. § 271.

12. Defendants’ acts of infringement have caused damage to PPS Data, and PPS Data is entitled to recover from the defendants the damages sustained by PPS Data as a result of the Defendants’ wrongful acts in an amount subject to proof at trial.

13. As a consequence of the infringement complained of herein, PPS Data has been irreparably damaged to an extent not yet determined and will continue to be irreparably damaged by such acts in the future unless the defendants are enjoined by this Court from committing further acts of infringement.

14. Upon information and belief, one or more of the Defendants' acts of infringement have been or will be undertaken with knowledge of the '271 patent. Such acts constitute willful infringement and make this case exceptional pursuant to 35 U.S.C. §§ 284 and 285 and entitle PPS Data to enhanced damages and reasonable attorneys' fees.

## **CLAIM 2**

### **Patent Infringement of U.S. Patent No. 6,341,265**

15. On January 22, 2002, U.S. Patent No. 6,341,265 ("the '265 patent"), entitled "Provider Claim Editing and Settlement System" a copy of which is attached as Exhibit B, was duly and legally issued by the United States Patent and Trademark Office. PPS Data is the owner of all right, title and interest in and to the '265 patent, including the right to sue for and recover all past, present and future damages for infringement of the '265 patent.

16. Upon information and belief, Defendants, directly or through their subsidiaries, divisions or groups, have infringed and continue to infringe the '265 patent by making, using, selling and/or offering to sell, or allowing others to make, use, sell and/or offer for sale, in the United States, Florida and/or this judicial district, goods, systems, methods, compositions and/or services that are covered by one or more of the claims of the '265 patent, including, but not limited to claims 1-5, 10-16 and 18-27. Defendants are liable for infringement of the '265 patent pursuant to 35 U.S.C. § 271.

17. Defendants' acts of infringement have caused damage to PPS Data, and PPS Data is entitled to recover from the defendants the damages sustained by PPS Data as a result of Defendants' wrongful acts in an amount subject to proof at trial.

18. As a consequence of the infringement complained of herein, PPS Data has been irreparably damaged to an extent not yet determined and will continue to be irreparably damaged by

such acts in the future unless Defendants are enjoined by this Court from committing further acts of infringement.

19. Upon information and belief, one or more of Defendants' acts of infringement have been or will be undertaken with knowledge of the '265 patent. Such acts constitute willful infringement and make this case exceptional pursuant to 35 U.S.C. §§ 284 and 285 and entitle PPS Data to enhanced damages and reasonable attorneys' fees.

### **CLAIM 3**

#### **Patent Infringement of U.S. Patent No. 7,194,416**

1. On March 20, 2007, U.S. Patent No. 7,194,416 ("the '416 patent"), entitled "Interactive Creation and Adjudication of Health Care Insurance Claims" a copy of which is attached as Exhibit C, was duly and legally issued by the United States Patent and Trademark Office. PPS Data is the owner of all right, title and interest in and to the '416 patent, including the right to sue for and recover all past, present and future damages for infringement of the '416 patent.

2. Upon information and belief, Defendants, directly or through their subsidiaries, divisions or groups, have infringed and continue to infringe the '416 patent by making, using, selling and/or offering to sell, or allowing others to make, use, sell and/or offer for sale, in the United States, Florida and/or this judicial district, goods, systems, methods, compositions and/or services that are covered by one or more of the claims of the '416 patent, including, but not limited to claims 1-12. Defendants are liable for infringement of the '416 patent pursuant to 35 U.S.C. § 271.

3. Defendants' acts of infringement have caused damage to PPS Data, and PPS Data is entitled to recover from the defendants the damages sustained by PPS Data as a result of Defendants' wrongful acts in an amount subject to proof at trial.

4. As a consequence of the infringement complained of herein, PPS Data has been irreparably damaged to an extent not yet determined and will continue to be irreparably damaged by such acts in the future unless the defendants are enjoined by this Court from committing further acts of infringement.

5. Upon information and belief, one or more of Defendants' acts of infringement have been or will be undertaken with knowledge of the '416 patent. Such acts constitute willful infringement and make this case exceptional pursuant to 35 U.S.C. §§ 284 and 285 and entitle PPS Data to enhanced damages and reasonable attorneys' fees.

#### **PRAYER FOR RELIEF**

**WHEREFORE**, PPS Data prays for entry of judgment that:

- A. The Defendants have each infringed the '271 patent;
- B. The Defendants account for and pay to PPS Data all damages caused by their infringement of the '271 patent, and to enhance such damages as appropriate, all in accordance with 35 U.S.C. § 284;
- C. Defendants have each infringed the '265 patent;
- D. Defendants account for and pay to PPS Data all damages caused by their infringement of the '265 patent, and to enhance such damages as appropriate, all in accordance with 35 U.S.C. § 284;
- E. Defendants have each infringed the '416 patent;
- F. Defendants account for and pay to PPS Data all damages caused by their infringement of the '416 patent, and to enhance such damages as appropriate, all in accordance with 35 U.S.C. § 284;

G. PPS Data be granted permanent injunctive relief pursuant to 35 U.S.C. § 283 enjoining Defendants, their officers, agents, servants, employees and those persons in active concert or participation with them from further acts of patent infringement;

H. PPS Data be granted pre-judgment and post-judgment interest on the damages caused to it by reason of Defendants' patent infringement;

I. The Court declare this an exceptional case and that PPS Data be granted its reasonable attorneys' fees in accordance with 35 U.S.C. § 285;

J. Costs be awarded to PPS Data; and,

K. PPS Data be granted such other and further relief as the Court may deem just and proper under the circumstances.

#### **DEMAND FOR JURY TRIAL**

PPS Data demands trial by jury on all claims and issues so triable.

Dated: July 28, 2011

Respectfully Submitted,

LILES, GAVIN, COSTANTINO, GEORGE  
& DEARING, P.A.

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