

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

HEALTH HERO NETWORK, INC.	)	
	)	
Plaintiff,	)	
	)	No. 07 C 2131
vs.	)	
	)	Hon. Judge Joan H. Lefkow
PATIENT CARE TECHNOLOGIES, INC.	)	
	)	<b>Jury Trial Demanded</b>
Defendant.	)	
	)	

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**FIRST AMENDED COMPLAINT**

Pursuant to Fed. R. Civ. P. 15(a), for its First Amended Complaint against Defendant Patient Care Technologies, Inc. ("PtCT" or "Defendant"), Plaintiff Health Hero Network, Inc. ("Health Hero" or "Plaintiff"), states as follows:

**Parties, Jurisdiction and Venue**

1. This is an action for patent infringement, arising under 35 U.S.C. § 271. This Court has exclusive subject matter jurisdiction under 28 U.S.C. §§ 1331, 1338(a).
2. Venue is proper in this judicial district under at least 28 U.S.C. §§ 1400(b), 1391(c).
3. Plaintiff is a California corporation, with a place of business in Redwood City, CA.
4. Plaintiff is the owner of the right, title and interest in United States Patent No. 6,968,375 ("the '375 patent"), entitled "Networked System For Interactive

Communication and Remote Monitoring of Individuals,” issued November 22, 2005.

As owner of the `375 patent, Plaintiff has standing to sue for infringement.

5. Plaintiff is the owner of the right, title and interest in United States Patent No. 7,223,235 (“the ‘235 patent”), entitled “System and Method for Monitoring Blood Pressure from a Person,” issued May 29, 2007. As owner of the ‘235 patent, Plaintiff has standing to sue for infringement.

6. On information and belief, Defendant is a corporation, with business operations in Atlanta, GA. Defendant is in the business of selling hardware, software, systems, support and/or other products related to home patient monitoring, for example, under the name well@home™, well@home™ Telehealth, or well@home™ System.

7. According to Defendant: “PtCT has over 500 client sites in 48 states and Canada.”

8. On information and belief, after a reasonable opportunity for further investigation or discovery, the evidence will likely support that Defendant and its agents offer an “Online Support website” through at least Defendant’s web site, [www.ptct.com/support.html](http://www.ptct.com/support.html) to support the accused well@home™, well@home™ Telehealth, or well@home™ System products, directed to, among others, consumers in this District.

9. On information and belief, after a reasonable opportunity for further investigation or discovery, the evidence will likely support that Defendant, through its website [www.ptct.com](http://www.ptct.com) and/or [www.wellathome.com](http://www.wellathome.com), directs consumers, including

those in this District, to sales information, and ability to complete a contact request form: "To be contacted by a PtCT Sales Representative, please complete our Contact Request Form", as stated at [www.ptct.com/contact.html](http://www.ptct.com/contact.html). Defendant also through its web site provides contact with its sales representative, "Representing: Illinois, Indiana, Kentucky, Tennessee, Virginia."

10. Defendant is the registered owner of [www.ptct.com](http://www.ptct.com).

11. Defendant is the registered owner of [www.wellathome.com](http://www.wellathome.com).

12. Defendant sells products under the name well@home™ for use by clients in the State of Illinois.

13. Defendant was an exhibitor of its products at the 2007 Annual Conference & Exposition of the Illinois Homecare Council, held in March 2007 at the Crowne Plaza hotel in Rosemont, IL.

14. Defendant was an exhibitor of its products at the 2006 Annual Conference & Exposition of the Illinois Homecare Council, held in March 2006 at Pheasant Run Resort in St. Charles, IL.

15. On information and belief, after a reasonable opportunity for further investigation or discovery, the evidence will likely support that Defendant currently transacts business in Illinois, including in this District, for example providing home health care monitoring products, support, and/or services to clients, such as Family Home Health Services, Inc., in this District.

**COUNT I**  
**Patent Infringement**

16. Plaintiff incorporates allegations 1 through 15 herein.

17. After a reasonable opportunity for further investigation or discovery, the evidence will likely support that Defendant has infringed and continues to infringe one or more claims of the '375 patent to be identified through discovery, including claim 9, directly, contributorily, and/or through inducement, *inter alia*, by making, having made, using, selling, and/or offering to sell certain products, support, software, and systems, including such activity in regard to Defendant's well@home™, well@home™ Telehealth, and/or well@home™ System products.

18. After a reasonable opportunity for further investigation or discovery, the evidence will likely support that Defendant has infringed and continues to infringe one or more claims of the '235 patent to be identified through discovery, including claim 1, at least contributorily and/or through inducement, *inter alia*, by making, having made, using, selling, and/or offering to sell certain products, support, software, and systems, including such activity in regard to Defendant's well@home™, well@home™ Telehealth, and/or well@home™ System products.

19. Defendant's infringement has caused monetary damage and irreparable injury to Plaintiff. Unless, and until, such infringement is enjoined by this Court, it will continue to cause monetary damage and irreparable injury to Plaintiff.

20. Defendant has had knowledge of the '375 patent and its claims since at least on or around approximately September 13, 2006, after Plaintiff identified the '375 patent for Defendant.

21. Defendant has had knowledge of the '235 patent and its claims since at least on or around approximately August 16, 2007. Plaintiff identified the '235 patent for Defendant by forwarding a copy to Defendant's litigation counsel.

**Prayer For Relief**

WHEREFORE, Plaintiff requests the following as found appropriate:

- A. Award damages adequate to fully compensate Plaintiff for the infringement that has occurred, including prejudgment and post-judgment interest;
- B. Award enhanced damages, including treble damages, for any willful infringement pursuant to 35 U.S.C. § 284;
- C. Award attorneys' fees and other costs and expenses based on this being an exceptional case pursuant to 35 U.S.C. § 285;
- D. Preliminarily and permanently enjoin Defendants, its customers, and all those acting in concert or participating with it from further acts of infringement of the '375 patent and '235 patent; and,
- E. Award such other and further relief as is allowed or just.

**Jury Demand**

Plaintiff demands a jury trial on all issues so triable.

Respectfully submitted,

Dated: August 21, 2007  
(Filed electronically)

\_\_\_\_\_/s/\_\_\_\_\_  
Greg Smith  
Rhett Dennerline  
COMPETITION LAW GROUP LLC  
55 W. Monroe Street, Suite 1930  
Chicago, Illinois 60603  
Tel. (312) 629-1915  
Fax. (312) 629-1988

Counsel for Plaintiff

**Certificate of Service**

I certify that on August 21, 2007, a copy of the foregoing was served via ECF as to Filing Users, and via regular U.S. mail on:

Allan T. Slagel  
Shefsky & Froelich Ltd.  
111 East Wacker Drive  
Suite 2800  
Chicago, IL 60601  
Counsel for Defendant

\_\_\_\_\_/s/\_\_\_\_\_  
Rhett Dennerline