

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN

NORTHERN PATENT MANAGEMENT, INC.,
a Michigan corporation,

Plaintiff,

v

HEALTHEON/WEBMD CORPORATION,
a Delaware corporation, and ENVOY
CORPORATION, a Tennessee corporation,

Defendants.

02-74873

Case No.

Hon.

ROBERT H. CLELAND

MAGISTRATE JUDGE MORGAN

Thomas E. Anderson (P32564) ✓
Douglas W. Sprinkle (P25326) ✓
Mark D. Schneider (P55253) ✓
GIFFORD, KRASS, GROH, SPRINKLE,
ANDERSON & CITKOWSKI, P.C.
280 N. Old Woodward Ave., Suite 400
Birmingham, MI 48009-5394
248/647-6000
248/647-5210 Facsimile

Attorneys for Plaintiff

RECEIVED
U.S. DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
JAN 10 2003

02 DEC -9 PM 2:30

FILED

COMPLAINT AND DEMAND FOR JURY TRIAL

Parties and Jurisdiction

1. Plaintiff, Northern Patent Management, Inc. ("NPM"), is a corporation organized under the laws of the State of Michigan, having a principal place of business at 27575 Harper Road, St. Clair Shores, Michigan 48081.
2. Defendant, Healtheon/WebMD Corporation ("WebMD") is a corporation organized under the laws of the State of Delaware, having a principal place of business at 669 River Drive, Center 2, Elmwood Park, New Jersey 07407.

GIFFORD, KRASS, GROH, SPRINKLE, ANDERSON & CITKOWSKI, P.C. 280 N. OLD WOODWARD AVENUE, STE. 400, BIRMINGHAM, MICHIGAN 48009-5394 (248) 647-6000

GIFFORD, KRASS, GROH, SPRINKLE, ANDERSON & CITKOWSKI, P.C. 280 N. OLD WOODWARD AVENUE, STE. 400, BIRMINGHAM, MICHIGAN 48009-5394 (248) 647-6000

3. Defendant, Envoy Corporation ("Envoy"), is a corporation organized under the laws of the State of Tennessee, having a principal place of business at 15 Century Blvd., Suite 600, Nashville, Tennessee 37214. Upon information and belief, Envoy has been merged into Defendant, Web MD.

4. This Court has jurisdiction under 28 U.S.C. §1338.

5. Venue is proper pursuant to 28 U.S.C. §§1391(c) and 1400(b).

COUNT I
PATENT INFRINGEMENT

6. NPM incorporates the allegations of the foregoing Paragraphs 1-5 as though fully set forth herein.

7. On December 3, 1991, United States Patent No. 5,070,452, entitled "COMPUTERIZED MEDICAL INSURANCE SYSTEM INCLUDING MEANS TO AUTOMATICALLY UPDATE MEMBER ELIGIBILITY FILES AT PRE-ESTABLISHED INTERVALS" ("the '452 patent"), was duly and legally issued by the United States Patent and Trademark Office to NGS American, Inc. A copy of the '452 patent is attached hereto as Exhibit A.

8. NPM is the current assignee of all right, title and interest in the '452 patent, including the right to bring and maintain this action with respect to the '452 patent.

9. Envoy and WebMD have made, used, offered for sale, and sold in the United States services infringing the '452 patent and has otherwise committed acts prohibited by 35 U.S.C. §271.

10. Upon information and belief, Envoy continues to infringe the '452 patent.

11. Envoy and Web MD's infringement is willful and intentional.

12. As a result of Envoy and WebMD's activities and infringement, NPM has suffered and will continue to suffer substantial damages.

13. Envoy and WebMD's infringement of the '452 patent will continue unless and until enjoined by this Court.

GIFFORD, KRASS, GROH, SPRINKLE, ANDERSON & CITKOWSKI, P.C. 280 N. OLD WOODWARD AVENUE, STE. 400, BIRMINGHAM, MICHIGAN 48009-5394 (246) 647-6000

WHEREFORE, NPM requests that this Court enter Judgment that:

- A. declares the '452 patent is valid and infringed by Envoy;
- B. declares Envoy and WebMD's infringement of the '452 patent has been knowing and willful;
- C. awards NPM its damages caused by Envoy and WebMD's infringement of the '452 patent, trebled pursuant to 35 U.S.C. §284;
- D. finds this to be an exceptional case pursuant to 35 U.S.C. §285 and awards NPM its attorneys' fees and costs incurred in this matter.
- E. permanently enjoin Envoy and WebMD and their subsidiaries, agents, officers, and employees, and all others acting in concert with it, from further infringement of the '452 patent under penalty of contempt; and
- F. awards NPM such other and further equitable relief as the Court may deem necessary and proper to correct the injury to NPM and to the public interest caused by Envoy and WebMD's unlawful conduct.

REQUEST FOR JURY TRIAL

Plaintiff requests a jury trial on all issues triable by a jury.

Respectfully submitted,



Thomas E. Anderson (P32564)
Douglas W. Sprinkle (P25326)
Mark D. Schneider (P55253)
GIFFORD, KRASS, GROH, SPRINKLE,
ANDERSON & CITKOWSKI, P.C.
280 N. Old Woodward Ave., Suite 400
Birmingham, MI 48009-5394
248/647-6000
248/647-5210 Facsimile

Attorneys for Plaintiff

Dated: 12/06/02
TEA/am/gst
AM-W:\Word Processing\tea\ngs10070.cmplt.doc