

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

PPS DATA, LLC, a Nevada limited liability  
company,

Plaintiff,

v.

Case No. 3:11-CV-273-J-37TEM

ALLSCRIPTS HEALTHCARE SOLUTIONS,  
INC., a Delaware corporation;

**JURY TRIAL DEMANDED**

Defendant.

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**AMENDED COMPLAINT FOR PATENT INFRINGEMENT**

PPS Data, LLC (“PPS Data”) brings this action against defendant Allscripts Healthcare Solutions, Inc. (“Allscripts”) 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, Allscripts is a corporation with headquarters in Chicago, Illinois, 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**

3. 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.

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

5. On information and belief, Allscripts has 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.

6. On information and belief, Allscripts has placed its infringing goods, systems, methods, compositions and/or services, including, but not limited to (1) Allscripts' "MyWay" 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.

7. Allscripts, directly or through its subsidiaries, divisions, groups or distributors has committed acts of infringement in this judicial district, is subject to personal jurisdiction in this judicial district, and/or is doing business in this judicial district.

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

#### **CLAIM FOR RELIEF**

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

9. 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" 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.

10. Upon information and belief, Allscripts, directly or through its subsidiaries, divisions or groups, has infringed and continues 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. Allscripts is liable for infringement of the '271 patent pursuant to 35 U.S.C. § 271.

11. Allscripts' 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 Allscripts' wrongful acts in an amount subject to proof at trial.

12. 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 Allscripts is enjoined by this Court from committing further acts of infringement.

13. Upon information and belief, one or more of Allscripts' 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.

#### **PRAYER FOR RELIEF**

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

A. Allscripts has infringed the '271 patent;

B. Allscripts account for and pay to PPS Data all damages caused by its infringement of the '271 patent, and to enhance such damages as appropriate, all in accordance with 35 U.S.C. § 284;

C. PPS Data be granted permanent injunctive relief pursuant to 35 U.S.C. § 283 enjoining Allscripts, its 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 Allscripts' 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 22, 2011

Respectfully Submitted,

KIRTON & McCONKIE

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**CERTIFICATE OF SERVICE**

I hereby certify that on this the 22<sup>nd</sup> day of July, 2011, a copy of the foregoing was filed with the Court's CM/ECF system, which provides service to all counsel of record.

/s/ Heather Bartlett