

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

Medical Monitoring and Paging LLC,

Plaintiff,

v.

General Electric Company D/B/A GE
Healthcare; Draeger Medical Inc.; and Cerner
Corporation,

Defendants.

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Civil Action No. _____

Jury Trial Demanded

PLAINTIFF’S ORIGINAL COMPLAINT

Plaintiff Medical Monitoring and Paging LLC (“MMP”), by and through its attorneys, for its Original Complaint against Defendants General Electric Company d/b/a GE Healthcare (“GE Healthcare”), Draeger Medical Inc. (“Draeger”), and Cerner Corporation (“Cerner”), hereby alleges as follows:

I. NATURE OF THE ACTION

1. This is a patent infringement action to end Defendants’ unauthorized and infringing manufacture, use, sale, offering for sale and/or importation of methods and products incorporating Plaintiff MMP’s patented inventions.

2. MMP is the exclusive licensee and owner of all substantial rights and interest in and to: United States Patent No. 5,942,986, issued on August 24, 1999, for “System and Method for Automatic Critical Event Notification” (the “Patent”). A true and correct copy of the Patent is attached hereto as Exhibit 1.

3. Each of the Defendants manufactures, provides, sells, offers for sale, imports and/or distributes infringing products and services; and/or induces others to use its products and services in an infringing manner; and/or contributes to the use of infringing products and services

by others.

4. Plaintiff MMP seeks injunctive relief to prevent Defendants from continuing infringement of Plaintiff's valuable patent rights. Plaintiff MMP further seeks monetary damages and prejudgment interest for Defendants' past infringement of the Patents.

5. This is an exceptional case, and MMP is entitled to damages, enhanced damages, attorneys' fees, costs and expenses.

II. THE PARTIES

6. Plaintiff MMP Corporation is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business located at 500 Newport Center Drive, 7th Floor, Newport Beach, California, 92660.

7. Defendant General Electric Company is a corporation organized and existing under the laws of the State of New York, with a place of business located at 3135 Easton Turnpike, Fairfield, Connecticut 06432-1008. General Electric Company does business as GE Healthcare. Defendant General Electric Company can be served with process by serving its registered agent for service of process in the State of Texas, CT Corp System, 350 N. St. Paul Street, Dallas, Texas 75201.

8. Defendant Draeger Medical Inc. is a corporation organized and existing under the laws of the State of Delaware, with a place of business located at Draeger Medical, Inc. 3135 Quarry Road, Telford, PA 18969. Defendant Draeger can be served with process by serving its registered agent for service of process The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, DE 19801.

9. Defendant Cerner Corporation is a corporation organized and existing under the laws of the State of Delaware, with a place of business located at 2800 Rockcreek Parkway,

Kansas City, MO 64117. Defendant Cerner can be served with process by serving its registered agent for service of process The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, DE 19801.

III. JURISDICTION AND VENUE

10. This is an action for patent infringement which arises under the Patent Laws of the United States, in particular, 35 U.S.C. §§271, 281, 283, 284 and 285. This Court has jurisdiction over the subject matter of this action under 28 U.S.C. §§1331 and 1338(a).

11. This Court has personal jurisdiction over each of the Defendants, and venue is proper in this Court pursuant to 28 U.S.C. §§1391(b), (c) and 1400.

IV. PLAINTIFF'S PATENT

12. The Patent describes a novel and important critical event notification system that can continuously monitor patient statistics and lab data to detect critical events, and that can automatically page a responsible physician or physicians, each having a handheld device. A computer can be used to continually access real-time data and multiple hospital databases which are periodically updated. These databases include patient chart databases, databases corresponding to patient history and databases maintained by various labs. The computer is adapted to automatically review the data, make a critical event determination, and formulate a message that is informative as to the patient's condition and the reasons why a critical event was detected.

13. MMP has obtained all substantial right and interest to the Patents, including all rights to recover for all past and future infringements thereof.

V. DEFENDANTS' ACTS

GE Healthcare

14. GE Healthcare manufactures, provides, sells, offers for sale and/or distributes infringing systems. The infringing GE Healthcare systems include, but are not limited to, systems marketed under the name ApexPro, CIC Pro, StatView notification system, and StatView receiver, and related products. GE Healthcare provides related services, specifications and instructions for the installation and operation of such systems to its customers.

15. Through its actions, GE Healthcare has infringed the Patents and actively induced others to infringe and contributed to the infringement by others of the Patents throughout the United States.

16. Neither MMP nor any of its predecessors in interest in and to the Patents has granted GE Healthcare a license or any other right to make, use, offer for sale, sell or import the invention defined by the claims of the Patents.

17. MMP has been and will continue to suffer damages as a result of Defendant GE Healthcare's infringing acts unless and until enjoined.

Draeger

18. Draeger manufactures, provides, sells, offers for sale and/or distributes infringing systems. The infringing Draeger systems include, but are not limited to, systems marketed under the name Infinity, and related products. Draeger provides related services, specifications and instructions for the installation and operation of such systems to its customers.

19. Through its actions, Draeger has infringed the Patents and actively induced others to infringe and contributed to the infringement by others of the Patents throughout the United

States.

20. Neither MMP nor any of its predecessors in interest in and to the Patents has granted Draeger a license or any other right to make, use, offer for sale, sell or import the invention defined by the claims of the Patents.

21. MMP has been and will continue to suffer damages as a result of Defendant Draeger's infringing acts unless and until enjoined

Cerner

22. Cerner manufactures, provides, sells, offers for sale and/or distributes infringing systems. The infringing Cerner systems include, but are not limited to, systems marketed under the name Discern, Discern Expert, and related products. Cerner provides related services, specifications and instructions for the installation and operation of such systems to its customers. Through its actions, Cerner has infringed the Patents and actively induced others to infringe and contributed to the infringement by others of the Patents throughout the United States.

23. Upon information and belief, Defendant Cerner is willfully infringing one or more claims of the Patents, and has demonstrated at least objective recklessness in doing so.

24. Neither MMP nor any of its predecessors in interest in and to the Patents has granted Cerner a license or any other right to make, use, offer for sale, sell or import the invention defined by the claims of the Patents.

25. MMP has been and will continue to suffer damages as a result of Defendant Cerner's infringing acts unless and until enjoined.

**COUNT ONE
PATENT INFRINGEMENT**

26. Plaintiff MMP realleges and incorporates herein paragraphs 1 - 25.
27. Defendants have infringed the Patents.
28. Defendants have indirectly infringed the Patents by inducing the infringement of the Patents and contributing to the infringement of the Patents.
29. Upon information and belief, Defendants have jointly infringed the Patents.
30. Defendants' aforementioned acts have caused damage to MMP and will continue to do so unless and until enjoined.

VI. JURY DEMAND

31. Plaintiff MMP hereby demands a jury on all issues so triable.

VII. REQUEST FOR RELIEF

WHEREFORE, Plaintiff MMP respectfully requests that the Court:

- A. Permanently enjoin each Defendant, its agents, servants and employees, and all those in privity with each Defendant or in active concert and participation with any of the Defendants, from engaging in acts of infringement of the Patents;
- B. Award Plaintiff MMP past and future damages together with prejudgment and post-judgment interest to compensate for the infringement by Defendants of the Patents in accordance with 35 U.S.C. §284, and increase such award by up to three times the amount found or assessed in accordance with 35 U.S.C. §284;
- C. Declare this case exceptional pursuant to 35 U.S.C. §285; and
- D. Award Plaintiff MMP its costs, disbursements, attorneys' fees and such further and additional relief as is deemed appropriate by this Court.

Respectfully submitted,

Dated: June 25, 2009

By: 
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