



SWD 9/22/04 15:19

3:04-CV-01901 DR SYSTEMS INC V. VITALWORKS INC

1

CMP.

Philip H. Stillman (CSB. #152861)
FLYNN & STILLMAN
224 Birmingham Ave., Suite 1A4
Cardiff, California 92007
Telephone: (858) 759-7000
Facsimile: (760) 479-9780

04 SEP 21 PM 3:40

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

DEPUTY

Raymond P. Niro
Matthew G. McAndrews
Brady J. Fulton
Frederick C. Laney
NIRO, SCAVONE, HALLER & NIRO
181 West Madison Street, Suite 4600
Chicago, Illinois 60602
Telephone: (312) 236-0733
Facsimile: (312) 236-3137

Attorneys for Plaintiff
DR SYSTEMS, INC.

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

DR SYSTEMS, INC., a California
corporation,

Plaintiff,

v.

VITALWORKS, INC., a Delaware
corporation, and AMICAS, INC., a
Delaware corporation,

Defendants.

Case No. **04 CV 1901** **LAB (LSP)**

COMPLAINT FOR
PATENT INFRINGEMENT

DEMAND FOR JURY TRIAL

Plaintiff, DR Systems, Inc. ("DR Systems"), complains of defendants, VitalWorks, Inc. ("VitalWorks") and Amicas, Inc. ("Amicas") (collectively, "defendants"), as follows:

NATURE OF LAWSUIT

1. This is a claim for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code.

COMPLAINT FOR PATENT INFRINGEMENT 1
Case No.

NIRO, SCAVONE, HALLER & NIRO
181 WEST MADISON ST., SUITE 4600
CHICAGO, ILLINOIS 60602
(312) 236-0733

THE PARTIES

2. DR Systems is a California corporation with its principal place of business at 10140 Mesa Rim Road, San Diego, California 92121. DR Systems is the named assignee of, owns all right title and interest in, and has standing to sue for infringement of United States Patent No. 5,452,416, entitled "Automated System and Method for Organizing, Presenting and Manipulating Medical Images," issued September 19, 1995 ("the '416 patent") (Exhibit A).

3. Defendant VitalWorks is a Delaware corporation with a principal place of business at 239 Ethan Allen Highway, Ridgefield, Connecticut 06877. VitalWorks transacts business and has sold and/or offered to sell to customers in this judicial district and throughout the State of California products that infringe claims of the '416 patent. VitalWorks has also induced and contributed to the infringement of claims of the '416 patent by others in this judicial district.

4. Defendant Amicas is a Delaware corporation with a principal place of business at 20 Guest Street, Suite 200, Boston, Massachusetts 02465. Amicas transacts business and has sold and/or offered to sell to customers in this judicial district and throughout the State of California products that infringe claims of the '416 patent. Amicas has also induced and contributed to the infringement of claims of the '416 patent by others in this judicial district.

JURISDICTION AND VENUE

5. This Court has exclusive jurisdiction over the subject matter of the Complaint under 28 U.S.C. §§ 1331 and 1338(a).

6. Personal Jurisdiction over defendants is proper in this Court. Venue in this judicial district is proper under 28 U.S.C. §§ 1391(b), (c) and/or 1400(b).

DEFENDANTS' ACTS OF PATENT INFRINGEMENT

7. Defendants have infringed at least claims 1 and 6 of the '416 patent through, among other activities, the manufacture, use, importation, sale and/or offer for sale of automated medical imaging and archival systems, including, by way of example but not limitation, defendants' RadConnect RIS/AMICAS Vision Series PACS systems. Defendants have also infringed at least

claims 1 and 6 of the '416 patent by knowingly and actively inducing others to infringe, and by contributing to the infringement by others.

8. Defendants' infringement, contributory infringement and inducement to infringe has been with knowledge of the patent, willful and deliberate and has injured and will continue to injure DR Systems, unless and until this Court enters an injunction prohibiting further infringement and, specifically, enjoining further manufacture, use, importation, sale and/or offer for sale of products that fall within the scope of the asserted claims of the '416 patent.

PRAYER FOR RELIEF

WHEREFORE, DR Systems asks this Court to enter judgment against defendants, and against defendants' subsidiaries, affiliates, agents, servants, employees and all persons in active concert or participation with it, granting the following relief:

A. An award of damages adequate to compensate DR Systems for the infringement that has occurred, together with prejudgment interest from the date infringement of the '416 patent began;

B. Increased damages as permitted under 35 U.S.C. § 284;

C. A finding that this case is exceptional and an award to DR Systems of its attorneys' fees and costs as provided by 35 U.S.C. § 285;

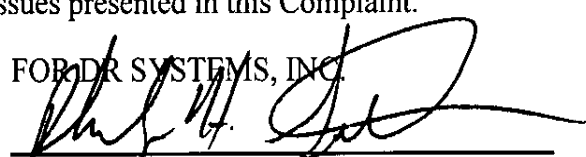
D. A permanent injunction prohibiting further infringement, inducement and contributory infringement of the '416 patent; and,

E. Such other and further relief as this Court or a jury may deem proper and just.

JURY DEMAND

DR Systems demands a trial by jury on all issues presented in this Complaint.

FOR DR SYSTEMS, INC.


Philip H. Stillman (C.B. #152861)
FLYNN & STILLMAN
224 Birmingham Ave., Suite 1A3
Cardiff, California 92007
Telephone: (858) 759-7000
Facsimile: (858) 793-4912

Raymond P. Niro
Matthew G. McAndrews
Brady J. Fulton
Frederick C. Laney
NIRO, SCAVONE, HALLER & NIRO
181 West Madison Street, Suite 4600
Chicago, Illinois 60602
Telephone: (312) 236-0733
Facsimile: (312) 236-3137

AO 120 (3/85)

TO: Commissioner of Patents and Trademarks Washington, D.C. 20231	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT
---	--

In compliance with the Act of July 19, 1952 (66 Stat. 814; 35 U.S.C. 290) you are hereby advised
that a court action has been filed on the following patent(s) in the U.S. District Court:

DOCKET NO. 04cv1901LAB(LSP)	DATE FILED 09/21/04	U.S. DISTRICT COURT United States District Court, Southern District of California
PLAINTIFF Dr Systems Inc		DEFENDANT Vitalworks Inc
PATENT NO.	DATE OF PATENT	PATENTEE
1 5,452,416	09/19/95	Dr Systems Inc
2		
3		
4		
5		

In the above-entitled case, the following patent(s) have been included:

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading			
PATENT NO.	DATE OF PATENT	PATENTEE		
1				
2				
3				
4				
5				

In the above-entitled case, the following decision has been rendered or judgment issued:

DECISION/JUDGMENT		
CLERK	(BY) DEPUTY CLERK	DATE

Copy 1 - Upon initiation of action, mail this copy to Commissioner Copy 3 - Upon termination of action, mail this copy to Commissioner
Copy 2 - Upon filing document adding patent(s), mail this copy to Commissioner Copy 4 - Case file copy

JS44

(Rev. 07/99)

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE SECOND PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

DR Systems, Inc.

San Diego

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF
(EXCEPT IN U.S. PLAINTIFF CASES)

DEFENDANTS

CLERK, U.S. DISTRICT COURT
VitalWorks, Inc. of California
Amicas, Inc.

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT
(IN U.S. PLAINTIFF CASES ONLY)

DEPUTY

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Philip H. Stillman
Flynn & Stillman
224 Birmingham Ave., Suite 1A
Cardiff, CA 92007 (858) 759-7000

ATTORNEYS (IF KNOWN)

'04 CV 1901 LAB (LSP)

II. BASIS OF JURISDICTION (PLACE AN X IN ONE BOX ONLY)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question
(U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN X IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

	PT	DEF		PT	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. CAUSE OF ACTION (CITE THE US CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY).

Action for patent infringement pursuant to the Patent Act, 35 U.S.C. section 271(a), et seq.

V. NATURE OF SUIT (PLACE AN X IN ONE BOX ONLY)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 118 Insurance	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 410 Agriculture	<input type="checkbox"/> 422 Appeal 28 USC 138	<input type="checkbox"/> 430 State Reapportionment
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 311 Airplane Product Liability	<input type="checkbox"/> 420 Other Food & Drug	<input type="checkbox"/> 423 Withdrawal 28 USC 152	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 425 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 426 Copyrights	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 140 Negotiable Instruments	<input type="checkbox"/> 330 Federal Employer's Liability	<input type="checkbox"/> 430 Liquor Laws	<input type="checkbox"/> 430 Patent	<input type="checkbox"/> 430 Commerce/ICC Rate/Mc.
<input type="checkbox"/> 150 Recovery of Overpayment & Refund of Judgment	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 440 RR & Truck	<input type="checkbox"/> 440 Trademark	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 450 Airline Regs	<input type="checkbox"/> 450 Social Security	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 152 Recovery of Unaided Student Loans (Excl. Veterans)	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 460 Occupational Safety/Health	<input type="checkbox"/> 461 HIA (13958)	<input type="checkbox"/> 410 Selective Service
<input type="checkbox"/> 153 Recovery of Overpayment of Veterans Benefits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 470 Other	<input type="checkbox"/> 462 Black Lung (923)	<input type="checkbox"/> 450 Securities/Commodities Exchange
<input type="checkbox"/> 160 Stockholders Suits	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 480 LABOR	<input type="checkbox"/> 463 DIWCD/WW (405(g))	<input type="checkbox"/> 470 Customer Challenge (2 USC)
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 365 Other Personal Injury	<input type="checkbox"/> 710 Fair Labor Standards Act	<input type="checkbox"/> 464 SSID Title XVI	<input type="checkbox"/> 491 Agricultural Act
<input type="checkbox"/> 193 Contract Product Liability	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 720 Labor/Agmt. Relations	<input type="checkbox"/> 465 RSI (405(g))	<input type="checkbox"/> 492 Economic Stabilization Act
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 371 Trade in Lending	<input type="checkbox"/> 730 Labor/Agmt. Reporting & Disclosure Act	<input type="checkbox"/> 470 Taxes (U.S. Plaintiff or Defendant)	<input type="checkbox"/> 493 Environmental Matters
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 760 Railway Labor Act	<input type="checkbox"/> 471 IRS - Third Party 26 USC 7609	<input type="checkbox"/> 494 Energy Allocation Act
<input type="checkbox"/> 230 Rent Lease & Easement	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 790 Other Labor Litigation		<input type="checkbox"/> 495 Freedom of Information Act
<input type="checkbox"/> 240 Tort to Land	<input type="checkbox"/> 390 Prisoner Petitions	<input type="checkbox"/> 791 Empl. Ret. Inc. Security Act		<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 410 Motion to Vacate Sentence Habeas Corpus			<input type="checkbox"/> 950 Constitutionality of State
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 430 General		<input type="checkbox"/> 990 Other Statutory Actions
	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 535 Death Penalty		
	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 540 Mandamus & Other		
	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 550 Civil Rights		
	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 555 Prisoner Challenges		

VI. ORIGIN (PLACE AN X IN ONE BOX ONLY)

- ☒ 1 Original Proceeding ☐ 2 Removal from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER f.r.c.p. 23

DEMAND \$

Check YES only if demanded in complaint:

JURY DEMAND: ☒ YES ☐ NO

VIII. RELATED CASE(S) IF ANY (See Instructions):

JUDGE

Docket Number

DATE

SIGNATURE OF ATTORNEY OF RECORD

::ODMA\PCDOCS\WORDPERFECT\22816\ January 24, 2000 (3:10pm)

#107196 \$150.00

CR