

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

**DOCUMENT GENERATION  
CORPORATION,**

Plaintiff,

v.

**ALLMEDS, INC.,**

**ECLINICAL WORKS, LLC,**

**HEALTHPORT, INC.,**

**APRIMA MEDICAL SOFTWARE, INC.  
f/k/a IMEDICA CORPORATION,**

**INFORMED MEDICAL INFORMATION  
SYSTEMS, INC.,**

**NEXTGEN HEALTHCARE  
INFORMATION SYSTEMS, INC.,**

**NOTEWORTHY MEDICAL SYSTEMS,  
INC.,**

**ORIGIN HEALTHCARE SOLUTIONS  
f/k/a SSIMED, LLC,**

**GE HEALTHCARE, INC.,**

**PULSE SYSTEMS, INC.,**

**AMT SOLUTIONS, INC., d/b/a E-MDS,  
INC.,**

**AND**

**INGENIX, INC.**

Defendants.

**Case No. 6:10-cv-482**

**PATENT CASE**

**JURY TRIAL DEMANDED**

**COMPLAINT**

Document Generation Corporation, (“Plaintiff”) files this Complaint against Allmeds, Inc., eClinical Works, LLC, Healthport, Inc., Aprima Medical Software, Inc. f/k/a iMedica Corporation, Infor-Med Medical Information Systems, Inc., Nextgen Healthcare Information Systems, Inc., Noteworthy Medical Systems, Inc., Origin Healthcare Solutions f/k/a SSIMED, LLC, GE Healthcare, Inc., Pulse Systems, Inc., AMT Solutions, Inc., d/b/a e-MDs, Inc., and Ingenix, Inc. (collectively “Defendants”) for infringement of United States Patent No. 5,267,155 (hereinafter the “155 patent”), a copy of which is attached as Exhibit A.

### **JURISDICTION**

1. This is an action for patent infringement under Title 35 of the United States Code. Plaintiff is seeking injunctive relief as well as damages.

2. Jurisdiction is proper in this Court pursuant to 28 U.S.C. §§ 1331 (Federal Question) and 1338(a) (Patents) because this is a civil action for patent infringement arising under the United States’ patent statutes.

3. Venue is proper under 28 U.S.C. §§ 1391(c) and 1400(b) because Defendants have committed acts of infringement in this district and/or are deemed to reside in this district.

4. Plaintiff is a Delaware corporation located in Newport Beach, California.

5. Defendant Allmeds, Inc. (“Allmeds”) is a Tennessee corporation with its principal place of business in Oak Ridge, Tennessee. On information and belief, this Court has personal jurisdiction over Allmeds and venue is proper in this district because Allmeds has committed, and continues to commit, acts of infringement in the state of Texas, including in this district and/or has engaged in continuous and systematic activities in the state of Texas, including this district.

6. Defendant eClinical Works, LLC (“eClinical”) is a Massachusetts limited liability company with its principal place of business in Shrewsbury, Massachusetts. On information and belief, this Court has personal jurisdiction over eClinical and venue is proper in this district because eClinical has committed, and continues to commit, acts of infringement in the state of Texas, including in this district and/or has engaged in continuous and systematic activities in the state of Texas, including this district.

7. Defendant Healthport, Inc. (“Healthport”) is a Delaware corporation with its principal place of business in Alpharetta, Georgia. On information and belief, this Court has personal jurisdiction over Healthport and venue is proper in this district because Healthport has committed, and continues to commit, acts of infringement in the state of Texas, including in this district and/or has engaged in continuous and systematic activities in the state of Texas, including this district.

8. Defendant Aprima Medical Software, Inc. f/k/a iMedica Corporation (“Aprima”) is a Delaware corporation with its principal place of business in Carrollton, Texas. On information and belief, this Court has personal jurisdiction over Aprima and venue is proper in this district because Aprima has committed, and continues to commit, acts of infringement in the state of Texas, including in this district and/or has engaged in continuous and systematic activities in the state of Texas, including this district.

9. Defendant InforMed Medical Information Systems, Inc. (“InforMed”) is a California corporation with its principal place of business in Canoga Park, California. On information and belief, this Court has personal jurisdiction over InforMed and venue is proper in this district because InforMed has committed, and continues to commit, acts of infringement in

the state of Texas, including in this district and/or has engaged in continuous and systematic activities in the state of Texas, including this district.

10. Defendant NextGen Healthcare Information Systems, Inc. (“NextGen”) is incorporated in California with its principal place of business in Irvine, California. On information and belief, this Court has personal jurisdiction over NextGen and venue is proper in this district because NextGen has committed, and continues to commit, acts of infringement in the state of Texas, including in this district and/or has engaged in continuous and systematic activities in the state of Texas, including this district.

11. Defendant Noteworthy Medical Systems, Inc. (“Noteworthy”) is incorporated in Delaware with its principal place of business in Phoenix, Arizona. On information and belief, this Court has personal jurisdiction over Noteworthy and venue is proper in this district because Noteworthy has committed, and continues to commit, acts of infringement in the state of Texas, including in this district and/or has engaged in continuous and systematic activities in the state of Texas, including this district.

12. Defendant Origin Healthcare Solutions f/k/a SSIMED, LLC (“Origins”) is incorporated in Delaware with its principal place of business in Windsor, Connecticut. On information and belief, this Court has personal jurisdiction over Origin and venue is proper in this district because Origin has committed, and continues to commit, acts of infringement in the state of Texas, including in this district and/or has engaged in continuous and systematic activities in the state of Texas, including this district.

13. Defendant GE Healthcare, Inc. (“GE”) is incorporated in Delaware with its principal place of business in Princeton, New Jersey. On information and belief, this Court has personal jurisdiction over GE and venue is proper in this district because GE has committed, and

continues to commit, acts of infringement in the state of Texas, including in this district and/or has engaged in continuous and systematic activities in the state of Texas, including this district.

14. Defendant Pulse Systems, Inc. (“Pulse”) is incorporated in Kansas with its principal place of business in Wichita, Kansas. On information and belief, this Court has personal jurisdiction over Pulse and venue is proper in this district because Pulse has committed, and continues to commit, acts of infringement in the state of Texas, including in this district and/or has engaged in continuous and systematic activities in the state of Texas, including this district.

15. Defendant AMT Solutions, Inc., d/b/a e-MDs, Inc. (“AMT”) is incorporated in Delaware with its principal place of business in Austin, Texas. On information and belief, this Court has personal jurisdiction over AMT and venue is proper in this district because AMT has committed, and continues to commit, acts of infringement in the state of Texas, including in this district and/or has engaged in continuous and systematic activities in the state of Texas, including this district.

16. Defendant Ingenix, Inc. (“Ingenix”) is incorporated in Delaware with its principal place of business in Eden Prairie, MN. On information and belief, this Court has personal jurisdiction over Ingenix and venue is proper in this district because Ingenix has committed, and continues to commit, acts of infringement in the state of Texas, including in this district and/or has engaged in continuous and systematic activities in the state of Texas, including this district.

17. On information and belief, Defendants’ products that are alleged herein to infringe were and continue to be made, used, imported, offered for sale and/or sold in Texas, including in this judicial district and Defendants’ practices that are alleged herein to infringe were and continue to be conducted in the state of Texas, including in this judicial district.

18. This court has personal jurisdiction over defendants because defendants have committed acts of infringement in this district; do business in this district; have systematic and continuous contacts in this district and/or have consented to jurisdiction here.

**COUNT I**

**(INFRINGEMENT OF UNITED STATES PATENT NO. 5,267,155)**

17. Plaintiff incorporates paragraphs 1 through 16 herein by reference.

18. This cause of action arises under the patent laws of the United States, and in particular, 35 U.S.C. §§ 271 *et seq.*

19. Plaintiff is the exclusive licensee of the '155 patent with rights to enforce the '155 patent and sue infringers.

20. The '155 patent, titled "Apparatus and Method for Computer-Assisted Document Generation" is valid, enforceable and was duly issued in full compliance with Title 35 of the United States Code. A copy of the '155 patent is attached hereto as Exhibit A.

**ALLMEDS**

21. On information and belief, Allmeds has and continues to directly infringe one or more claims of the '155 patent, including at least claim 1, by making, using, offering for sale, selling and/or importing infringing products including, but not limited to, Allmeds EMR.

22. Allmeds has been aware of the '155 patent at least as early as service of this action.

23. On information and belief, Allmeds has and continues to indirectly infringe one or more claims of the '155 patent by inducing others (e.g., end users of AllMeds EMR) to infringe and/or contributing to the infringement of others in violation of 35 U.S.C. §§ 271 (b) and (c).

24. On information and belief, Allmeds has been aware, at least as early as service of this action, that its products accused of infringement including, but not limited to its AllMeds EMR, are not staple articles or commodities of commerce suitable for substantial noninfringing use and are especially made and/or adapted for use in infringing the '155 patent.

#### **ECLINICAL**

25. On information and belief, eClinical has and continues to directly infringe one or more claims of the '155 patent, including at least claim 1, by making, using, offering for sale, selling and/or importing infringing products including, but not limited to, eClinical's eClinicalWorks EMR.

26. eClinical has been aware of the '155 patent at least as early as service of this action.

27. On information and belief, eClinical has and continues to indirectly infringe one or more claims of the '155 patent by inducing others (e.g., end users of eClinicalWorks EMR) to infringe and/or contributing to the infringement of others in violation of 35 U.S.C. §§ 271 (b) and (c).

28. On information and belief, eClinical has been aware, at least as early as service of this action, that its products accused of infringement including, but not limited to, its eClinicalWorks, are not staple articles or commodities of commerce suitable for substantial noninfringing use and are especially made and/or adapted for use in infringing the '155 patent.

#### **HEALTHPORT**

29. On information and belief, Healthport has and continues to directly infringe one or more claims of the '155 patent, including at least claim 1, by making, using, offering for sale,

selling and/or importing infringing products including, but not limited to, Healthport's HealthPort EMR.

30. Healthport has been aware of the '155 patent at least as early as service of this action.

31. On information and belief, Healthport has and continues to indirectly infringe one or more claims of the '155 patent by inducing others (e.g., end users of Healthport's HealthPort EMR) to infringe and/or contributing to the infringement of others in violation of 35 U.S.C. §§ 271 (b) and (c).

32. On information and belief, Healthport has been aware, at least as early as service of this action, that its products accused of infringement including, but not limited to, Healthport's HealthPort EMR, are not staple articles or commodities of commerce suitable for substantial noninfringing use and are especially made and/or adapted for use in infringing the '155 patent.

**APRIMA**

33. On information and belief, Aprima has and continues to directly infringe one or more claims of the '155 patent, including at least claim 1, by making, using, offering for sale, selling and/or importing infringing products including, but not limited to, Aprima's iMedica PRM.

34. Aprima has been aware of the '155 patent at least as early as service of this action.

35. On information and belief, APRIMA has and continues to indirectly infringe one or more claims of the '155 patent by inducing others (e.g., end users of Aprima's iMedica PRM) to infringe and/or contributing to the infringement of others in violation of 35 U.S.C. §§ 271 (b) and (c).

36. On information and belief, Aprima has been aware, at least as early as service of this action, that its products accused of infringement including, but not limited to, Aprima's iMedica PRM, are not staple articles or commodities of commerce suitable for substantial noninfringing use and are especially made and/or adapted for use in infringing the '155 patent.

**INFORMED**

37. On information and belief, InforMed has and continues to directly infringe one or more claims of the '155 patent, including at least claim 1, by making, using, offering for sale, selling and/or importing infringing products including, but not limited to, InforMed's Praxis EMR.

38. InforMed has been aware of the '155 patent at least as early as service of this action.

39. On information and belief, InforMed has and continues to indirectly infringe one or more claims of the '155 patent by inducing others (e.g., end users of InforMed's Praxis EMR) to infringe and/or contributing to the infringement of others in violation of 35 U.S.C. §§ 271 (b) and (c).

40. On information and belief, InforMed has been aware, at least as early as service of this action, that its products accused of infringement including, but not limited to, InforMed's Praxis EMR, are not staple articles or commodities of commerce suitable for substantial noninfringing use and are especially made and/or adapted for use in infringing the '155 patent.

**NEXTGEN**

41. On information and belief, NextGen has and continues to directly infringe one or more claims of the '155 patent, including at least claim 1, by making, using, offering for sale,

selling and/or importing infringing products including, but not limited to, NextGen's NextGen EMR.

42. NextGen has been aware of the '155 patent at least as early as service of this action.

43. On information and belief, NextGen has and continues to indirectly infringe one or more claims of the '155 patent by inducing others (e.g., end users of NextGen's NextGen EMR) to infringe and/or contributing to the infringement of others in violation of 35 U.S.C. §§ 271 (b) and (c).

44. On information and belief, NextGen has been aware, at least as early as service of this action, that its products accused of infringement including, but not limited to, NextGen's NextGen EMR, are not staple articles or commodities of commerce suitable for substantial noninfringing use and are especially made and/or adapted for use in infringing the '155 patent.

**NOTEWORTHY**

45. On information and belief, Noteworthy has and continues to directly infringe one or more claims of the '155 patent, including at least claim 1, by making, using, offering for sale, selling and/or importing infringing products including, but not limited to, Noteworthy's Noteworthy EHR.

46. Noteworthy has been aware of the '155 patent at least as early as service of this action.

47. On information and belief, Noteworthy has and continues to indirectly infringe one or more claims of the '155 patent by inducing others (e.g., end users of Noteworthy's Noteworthy EHR) to infringe and/or contributing to the infringement of others in violation of 35 U.S.C. §§ 271 (b) and (c).

48. On information and belief, Noteworthy has been aware, at least as early as service of this action, that its products accused of infringement including, but not limited to, Noteworthy's Noteworthy EHR, are not staple articles or commodities of commerce suitable for substantial noninfringing use and are especially made and/or adapted for use in infringing the '155 patent.

### ORIGINS

49. On information and belief, Origin has and continues to directly infringe one or more claims of the '155 patent, including at least claim 1, by making, using, offering for sale, selling and/or importing infringing products including, but not limited to, Origins' SSIMED EMRge.

50. Origin has been aware of the '155 patent at least as early as service of this action.

51. On information and belief, Origin has and continues to indirectly infringe one or more claims of the '155 patent by inducing others (e.g., end users of Origins' SSIMED EMRge) to infringe and/or contributing to the infringement of others in violation of 35 U.S.C. §§ 271 (b) and (c).

52. On information and belief, Origin has been aware, at least as early as service of this action, that its products accused of infringement including, but not limited to, Origins' SSIMED EMRge, are not staple articles or commodities of commerce suitable for substantial noninfringing use and are especially made and/or adapted for use in infringing the '155 patent.

### GE

53. On information and belief, GE has and continues to directly infringe one or more claims of the '155 patent, including at least claim 1, by making, using, offering for sale, selling and/or importing infringing products including, but not limited to, GE's Centricity EMR,

Centricity Enterprise, Centricity Practice Solutions, Centricity EMR for Specialty Care and Centricity Business.

54. GE has been aware of the '155 patent at least as early as service of this action.

55. On information and belief, GE has and continues to indirectly infringe one or more claims of the '155 patent by inducing others (e.g., end users of GE's Centricity EMR, Centricity Enterprise, Centricity Practice Solutions, Centricity EMR for Specialty Care and Centricity Business) to infringe and/or contributing to the infringement of others in violation of 35 U.S.C. §§ 271 (b) and (c).

56. On information and belief, GE has been aware, at least as early as service of this action, that its products accused of infringement including, but not limited to, GE's Centricity EMR, Centricity Enterprise, Centricity Practice Solutions, Centricity EMR for Specialty Care and Centricity Business, are not staple articles or commodities of commerce suitable for substantial noninfringing use and are especially made and/or adapted for use in infringing the '155 patent.

### PULSE

57. On information and belief, Pulse has and continues to directly infringe one or more claims of the '155 patent, including at least claim 1, by making, using, offering for sale, selling and/or importing infringing products including, but not limited to, Pulse's Pulse Patient Relationship Management and Pulse Patient EHR.

58. Pulse has been aware of the '155 patent at least as early as service of this action.

59. On information and belief, Pulse has and continues to indirectly infringe one or more claims of the '155 patent by inducing others (e.g., end users of Pulse's Pulse Patient

Relationship Management and Pulse Patient EHR) to infringe and/or contributing to the infringement of others in violation of 35 U.S.C. §§ 271 (b) and (c).

60. On information and belief, Pulse has been aware, at least as early as service of this action, that its products accused of infringement including, but not limited to, Pulse's Pulse Patient Relationship Management and Pulse Patient EHR, are not staple articles or commodities of commerce suitable for substantial noninfringing use and are especially made and/or adapted for use in infringing the '155 patent.

AMT

61. On information and belief, AMT has and continues to directly infringe one or more claims of the '155 patent, including at least claim 1, by making, using, offering for sale, selling and/or importing infringing products including, but not limited to, AMT's e-MDs Solution Series and e-MDs Chart.

62. AMT has been aware of the '155 patent at least as early as service of this action.

63. On information and belief, AMT has and continues to indirectly infringe one or more claims of the '155 patent by inducing others (e.g., end users of AMT's e-MDs Solution Series and e-MDs Chart) to infringe and/or contributing to the infringement of others in violation of 35 U.S.C. §§ 271 (b) and (c).

64. On information and belief, AMT has been aware, at least as early as service of this action, that its products accused of infringement including, but not limited to, AMT's e-MDs Solution Series and e-MDs Chart, are not staple articles or commodities of commerce suitable for substantial noninfringing use and are especially made and/or adapted for use in infringing the '155 patent.

**INGENIX**

65. On information and belief, Ingenix has and continues to directly infringe one or more claims of the '155 patent, including at least claim 1, by making, using, offering for sale, selling and/or importing infringing products including, but not limited to, Ingenix's CareTracker EMR.

66. Ingenix has been aware of the '155 patent at least as early as service of this action.

67. On information and belief, Ingenix has and continues to indirectly infringe one or more claims of the '155 patent by inducing others (e.g., end users of CareTracker EMR) to infringe and/or contributing to the infringement of others in violation of 35 U.S.C. §§ 271 (b) and (c).

68. On information and belief, Ingenix has been aware, at least as early as service of this action, that its products accused of infringement including, but not limited to, Ingenix's CareTracker EMR, are not staple articles or commodities of commerce suitable for substantial noninfringing use and are especially made and/or adapted for use in infringing the '155 patent.

**ADDITIONAL ALLEGATIONS AGAINST ALL DEFENDANTS**

69. Defendants' actions complained of herein will continue unless Defendants are enjoined by this Court.

70. On information and belief, Defendants' infringement of the '155 patent, since at least service of this action, has been and continues to be willful.

71. This case is exceptional pursuant to the provisions of 35 U.S.C. § 285.

72. Plaintiff has complied with 35 U.S.C. § 287.

73. Defendants' actions complained of herein are causing irreparable harm and monetary damage to Plaintiff and will continue to do so unless and until Defendants are enjoined and restrained by this Court.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff asks the Court to:

- (a) Enter judgment for Plaintiff on this Complaint;
- (b) Enjoin the Defendants, their agents, officers, servants, employees, attorneys, and all persons in active concert or participation with the Defendants who receive notice of the order from further infringement of United States Patent No. 5,267,155;
- (c) Award Plaintiff damages resulting from Defendants' infringement in accordance with 35 U.S.C. § 284;
- (d) Award Plaintiff and ongoing royalty rate for Defendants' post-judgment infringement;
- (e) Find Defendants' infringement to be willful;
- (f) Treble the damages in accordance with the provisions of 35 U.S.C. § 284;
- (g) Find the case to be exceptional under the provisions of 35 U.S.C. § 285;
- (h) Award Plaintiff reasonable attorney fees under 35 U.S.C. § 285;
- (i) Order the impounding and destruction of all Defendants' products that infringe the '155 patent;
- (j) Award Plaintiff interest and costs; and
- (k) Award Plaintiff such further relief to which the Court finds Plaintiff entitled under law or equity.

**DEMAND FOR JURY TRIAL**

Plaintiff demands a trial by jury on all issues properly triable by jury in this action.

DATED: September 21, 2010

Respectfully submitted,

**THE SIMON LAW FIRM, P.C.**

/s/ Timothy E. Grochocinski

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