

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION

TRANSUNION INTELLIGENCE  
LLC and TRANS UNION LLC

Plaintiffs,

v.

SEARCH AMERICA, INC.,  
EXPERIAN INFORMATION  
SOLUTIONS, INC., AND  
GAINESVILLE HOSPITAL  
DISTRICT d/b/a NORTH TEXAS  
MEDICAL CENTER

Defendants.

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Case No. 2:10-130-TJW

**JURY TRIAL DEMANDED**

**AMENDED COMPLAINT**

Plaintiffs TransUnion Intelligence LLC and Trans Union LLC (collectively “Transunion”) file this complaint against Search America, Inc., Experian Information Solutions, Inc. (collectively “Experian”), and Gainesville Hospital District d/b/a North Texas Medical Center (“North Texas Medical Center”) for claims of infringement, inducement of infringement, and contributory infringement of U.S. Patent 7,333,937 (“the ‘937 Patent”), and seek a judgment for damages and a permanent injunction.

**PARTIES**

1. TransUnion Intelligence LLC is a limited liability corporation formed under the laws of the State of Nevada, with principal offices at 555 West Adams St., Chicago, IL 60661 (address of managing member, Trans Union LLC).

2. Trans Union LLC is a limited liability corporation formed under the laws of the State of Delaware, with principal offices at 555 West Adams St., Chicago, IL 60661.

3. On information and belief, Search America, Inc. is a corporation formed under the laws of the State of Minnesota, with principal offices at 6450 Wedgwood Road, Suite 100, Maple Grove, MN 55311. Search America, Inc. may be served with process by serving its registered agent, National Registered Agents, Inc. 16055 Space Center, Suite 235, Houston, TX 77062. Search America, Inc. has already been served with process in this action.

4. On information and belief, Experian Information Solutions, Inc. is an Ohio corporation having its principal place of business at 475 Anton Blvd., Costa Mesa, CA 92626. Experian Information Solutions, Inc. may be served with process by serving its registered agent, CT Corporation System, 350 N St. Paul St., Dallas, TX 75201. On information and belief, Experian Information Solutions, Inc. has offices in Allen, Collin County, Texas, and has engaged in infringing activities at that location. Experian Information Solutions, Inc. has already been served with process in this action.

5. On information and belief, North Texas Medical Center is a political subdivision of the state of Texas having principal place of business in Gainesville, Cooke County, Texas. North Texas Medical Center may be served with process by serving its registered agent. On information and belief North Texas Medical Center has offices in Cooke County, Texas and has engaged in infringing activities at that location.

## **JURISDICTION AND VENUE**

6. This action arises under the patent laws of the United States, Title 35 of the United States Code. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

7. Venue is proper in this district under 28 U.S.C. §§ 1391(b), 1391(c) and 1400(b). A substantial part of the events or omissions giving rise to Transunion's claims occurred in this district. Defendant Experian Information Solutions, Inc. resides in Collin County, in this judicial district. Defendant North Texas Medical Center resides in Cooke County, in this judicial district. On information and belief, Defendants have transacted business in this judicial district and have committed or induced or contributed to acts of patent infringement in this judicial district.

8. On information and belief, Defendants are subject to this Court's specific and general personal jurisdiction pursuant to the Texas Long Arm Statute, and consistent with the requirement of due process, due to their infringements in this district regularly doing business or soliciting business, engaging in other persistent courses of conduct, and deriving substantial revenue from goods and services provided to individuals and entities in this State and in this District. In particular and on information and belief, within this judicial district, Defendants: (a) practice the methods claimed in the '937 Patent, (b) induce others to practice the methods claimed in the '937 Patent, (c) engage in contributory infringement of the '937 Patent, or (d) transact other business.

### **1<sup>ST</sup> CAUSE OF ACTION** **Patent Infringement**

9. The '937 Patent (U.S. Patent No. 7,333,937, entitled "Health care financing method") issued February 19, 2008. A copy of the '937 Patent is attached as

Exhibit A and incorporated for all purposes. The records of the PTO include an assignment of the '937 Patent from the named inventors to ADS ResponseCorp, Inc. The records of the PTO also include an assignment of the '937 Patent from ADS ResponseCorp, Inc. to Transunion. TransUnion Intelligence LLC owns all rights, title and interest (including all rights to sue for past, present and future infringement) in the '937 Patent. Trans Union LLC is the exclusive licensee under the '937 Patent.

10. Through the Search America "Charity Advisor" and "Medicaid Advisor" software programs and the "Payment Advisor Suite" that includes both, Experian and North Texas Medical Center provide, sell, and use services that infringe the claims of the '937 Patent. Experian's software compares patient criteria and patient credit score against charity financial assistance program criteria to see if the patient qualifies for money. Experian's software screens patients for charity/uninsured discounts, produces the necessary documentation, and automatically calculates discounts based on a hospital's unique charity/uninsured discount policy.

11. Experian is directly infringing the claims of the '937 Patent by practicing the methods claimed in the '937 Patent and by offering services using the methods claimed in the '937 Patent. Experian has infringed claims of the '937 Patent literally and/or under the doctrine of equivalents.

12. In the alternative, by offering and licensing the its software or software services, Experian contributorily infringes the '937 Patent and induces infringement of the '937 Patent.

13. Further, Experian was aware of the '937 Patent, and studied the '937 Patent in detail to distinguish the '937 Patent from the claims of Experian's own patent

application. Experian abandoned its own patent application after the patent examiner cited the '937 Patent and other prior art. Experian knew or should have known that Experian was infringing the '937 Patent, contributorily infringing, and inducing infringement.

**2<sup>ND</sup> CAUSE OF ACTION**  
**INDUCEMENT OF PATENT INFRINGEMENT**

14. The actions of Experian described above constitute inducement of infringement under 35 U.S.C. § 271(b).

**3<sup>RD</sup> CAUSE OF ACTION**  
**CONTRIBUTORY INFRINGEMENT**

15. The actions of Experian described above constitute contributory infringement under 35 U.S.C. § 271(c).

**DAMAGES AND HARM**

16. Because of the actions of Experian described in this Complaint, Transunion is being damaged and irreparably harmed by Experian's infringement, inducement of infringement, and contributory infringement. Transunion is thus entitled to recover damages adequate to compensate Transunion for the infringement, inducement of infringement, and contributory infringement, but in no event less than a reasonable royalty.

17. Experian's infringement, inducement of infringement, and contributory infringement have injured and will continue to injure Transunion, unless and until enjoined by this Court.

### **COSTS AND ATTORNEYS' FEES**

18. Transunion is entitled to recover its costs and reasonable and necessary attorney's fees incurred herein under 35 U.S.C. §§ 284 and 285, for which they hereby sue.

### **JURY DEMAND**

19. Transunion requests a trial by jury, pursuant to Rule 38(b) of the Federal Rules of Civil Procedure on all issues triable of right by jury.

### **PRAYER FOR RELIEF**

Transunion prays for judgment against Experian and North Texas Medical Center for the following:

A. That Experian is infringing, has infringed, has induced infringement of, is inducing infringement of, has engaged in contributory infringement of, and is engaged in contributory infringement of the '937 Patent;

B. That North Texas Medical Center is infringing and has infringed the '937 Patent

C. Enjoining Experian and North Texas Medical Center, and their affiliates, subsidiaries, officers, directors, employees, agents, representatives, licensees, successors, assigns and all those acting for them and on their behalf, or acting in concert with them, from further infringement of the '937;

D. Awarding to Transunion its damages, costs, expenses and prejudgment interest and post-judgment interest;

E. Awarding Transunion its attorneys' fees and costs of court incurred in connection with this action, pursuant to 35 U.S.C. §§ 284 and 285; and

F. Awarding such other and further relief as the Court deems just and proper.

January 11, 2011.

Respectfully submitted,

By: /s/ Glen M. Boudreaux

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