

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

SUPPLY CHAIN CONNECT, LLC,

Plaintiff,

v.

1. BAYLOR COLLEGE OF MEDICINE;
2. BRISTOL-MEYERS SQUIBB COMPANY;
3. OWENS AND MINOR MEDICAL, INC.;
4. SCIQUEST, INC.;
5. THE METHODIST HOSPITAL SYSTEM;
6. THE UNIVERSITY OF TEXAS HEALTH SCIENCE CENTER AT HOUSTON;
7. THERMO FISHER SCIENTIFIC, INC. and
8. VWR INTERNATIONAL, LLC.

Defendants.

Case No.

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

This is an action for patent infringement in which Supply Chain Connect, LLC makes the following allegations against Baylor College of Medicine; Bristol-Myers Squibb Company; Owens and Minor Medical, Inc.; SciQuest, Inc.; The Methodist Hospital System; The University of Texas Health Science Center at Houston; Thermo Fisher Scientific, Inc. and VWR International, LLC.

PARTIES

1. Plaintiff Supply Chain Connect (“SCC”) is a Texas limited liability company with its principal place of business at 11221 Katy Freeway, Suite 107, Houston, Texas 77043. SCC has an established track record of helping companies optimize their purchasing and sales processes through the use of e-commerce across a broad range of products including chemicals, plastics, wire and cable, and manufactured goods. SCC is committed to innovating and

improving transaction processes for buyers, sellers and supply chain partners in multiple industries worldwide.

2. On information and belief, Baylor College of Medicine (“Baylor”) is a private medical school with its principal place of business at One Baylor Plaza C/O MS BCMT 203, Houston, Texas 77030-3411. Baylor may be served with process by serving its registered agent for service, James Banfield, Office of General Counsel, One Baylor Plaza, suite 106A, Houston, Texas 77030.

3. On information and belief, Bristol Meyers Squibb Company (“Bristol Meyers”) is a Delaware corporation with its principal place of business at 345 Park Avenue, New York, NY 10154. Bristol Meyers may be served with process by serving its registered agent CT Corporation System, 350 N. St. Paul Street, Suite 2900, Dallas, Texas 75201-4234.

4. On information and belief, Owens and Minor Medical, Inc. (“Owens and Minor”) is a Delaware corporation with its principal place of business at 9120 Lockwood Boulevard, Mechanicsville, VA 23116. Owens and Minor may be served with process by serving its registered agent Registered Agent Solutions, Inc., 515 Congress Ave. Suite 2300, Austin, TX 78701-3560.

5. On information and belief, SciQuest, Inc. (“SciQuest”) is a Delaware corporation with its principal place of business at 6501 Weston Parkway Suite 200, Cary, NC 27513. SciQuest may be served with process by serving its registered agent Jennifer Kaelin, 6501 Weston Pkwy. Suite 200, Cary, NC 27513-2312.

6. On information and belief, The Methodist Hospital System n/k/a The Methodist Hospital (“Methodist Hospital”) is a nonprofit health care organization with its principal place of business at 6565 Fannin St., Houston, TX 77030. Methodist Hospital may be served with

process by serving its registered agent for service, C T Corporation, 350 N. St. Paul Street, Suite 2900, Dallas, TX 75201-4234.

7. On information and belief, The University of Texas Health Science Center at Houston (“UT”) has its principal place of business at 7000 Fannin, Suite 1200, Houston, Texas 77030. UT may be served with process by serving its President *ad interim* Giuseppe N. Colasurdo, M.D., 7000 Fannin, Suite 1200, Houston, Texas 77030.

8. On information and belief, Thermo Fisher Scientific Inc. (“Fisher Scientific”) is a Delaware corporation and with its principal place of business at 81 Wyman Street, Waltham, MA 02454. Fisher Scientific may be served with process by serving its registered agent Capitol Corporate Services, Inc. 800 Brazos St, Suite 400, Austin, TX 78701.

9. On information and belief, VWR International, LLC. (“VWR”) is a Delaware corporation with its principal place of business Radnor Corporate Center Building One, Suite 200, 100 Matsonford Road, Radnor, PA 19087. VWR may be served with process by serving its registered agent Corporation Service Company d/b/a CSC Lawyers Incorporating Service Company, 211 E. 7th Street, Suite 620, Austin, TX 78701-3218.

JURISDICTION AND VENUE

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

11. Venue is proper in this district under 28 U.S.C. §§ 1391(c) and 1400(b). On information and belief, Defendants have transacted business in this district, and have committed acts of patent infringement in this district.

COUNT I
INFRINGEMENT OF U.S. PATENT NO. 7,451,107

12. Plaintiff is the owner by assignment of United States Patent No. 7,451,107 (“the ‘107 Patent”) entitled “Business-to-Business Electronic Commerce Clearinghouse” – including all rights to recover for past and future acts of infringement. The ‘107 Patent issued on November 11, 2008. A true and correct copy of the ‘107 Patent is attached as Exhibit A.

13. On information and belief, Defendant Baylor has been and now is directly infringing the ‘107 Patent in this judicial district, and elsewhere in the United States, by, among other things, using, for chemical supplier transactions, the SciQuest electronic clearinghouse system(s), covered by one or more claims of the ‘107 Patent, to the injury of SCC. The SciQuest clearinghouse systems include the SciQuest Supplier Network, SciQuest Express, Enterprise Reagent Manager, SciQuest Order Manager, SciQuest Requisition Manager, and/or SciQuest Supplies Manager. Defendant Baylor is thus liable for infringement of the ‘107 patent pursuant to 35 U.S.C. § 271(a).

14. On information and belief, Defendant Bristol Meyers has been and now is directly infringing the ‘107 Patent in this judicial district, and elsewhere in the United States, by, among other things, using, for chemical supplier transactions, the SciQuest electronic clearinghouse system(s), covered by one or more claims of the ‘107 Patent, to the injury of SCC. The SciQuest clearinghouse systems include the SciQuest Supplier Network, SciQuest Express, Enterprise Reagent Manager, SciQuest Order Manager, SciQuest Requisition Manager, and/or SciQuest Supplies Manager. Defendant Bristol Meyers is thus liable for infringement of the ‘107 patent pursuant to 35 U.S.C. § 271(a).

15. On information and belief, Defendant Owens and Minor has been and now is directly infringing the ‘107 Patent in this judicial district, and elsewhere in the United States, by,

among other things, using, for chemical supplier transactions, the SciQuest electronic clearinghouse system(s), covered by one or more claims of the '107 Patent to the injury of SCC. The SciQuest clearinghouse systems include the SciQuest Supplier Network, SciQuest Express, Enterprise Reagent Manager, SciQuest Order Manager, SciQuest Requisition Manager, and/or SciQuest Supplies Manager. Defendant Owens and Minor is thus liable for infringement of the '107 patent pursuant to 35 U.S.C. § 271(a).

16. On information and belief, Defendant SciQuest has been and now is directly infringing the '107 Patent in this judicial district, and elsewhere in the United States, by, among other things, providing, for chemical supplier transactions, one or more unauthorized business-to-business electronic clearinghouse systems, and inducing, aiding and abetting its trading partners to use the one or more unauthorized business-to-business electronic clearinghouse systems, covered by one or more claims of the '107 Patent to the injury of SCC. The SciQuest clearinghouse systems include the SciQuest Supplier Network, SciQuest Express, Enterprise Reagent Manager, SciQuest Order Manager, SciQuest Requisition Manager, and/or SciQuest Supplies Manager. It is further alleged that SciQuest's business-to-business electronic clearinghouse systems are especially made or especially adapted in a way that infringes the '107 Patent, and which does not have a substantial non-infringing use. Defendant SciQuest is thus liable for infringement of the '107 patent pursuant to 35 U.S.C. § 271(a), (b) and/or (c).

17. On information and belief, Defendant Methodist Hospital has been and now is directly infringing the '107 Patent in this judicial district, and elsewhere in the United States, by, among other things, using, for chemical supplier transactions, the SciQuest electronic clearinghouse system(s), covered by one or more claims of the '107 Patent, to the injury of SCC. The SciQuest clearinghouse systems include the SciQuest Supplier Network, SciQuest Express,

Enterprise Reagent Manager, SciQuest Order Manager, SciQuest Requisition Manager, and/or SciQuest Supplies Manager. Defendant Methodist Hospital is thus liable for infringement of the '107 patent pursuant to 35 U.S.C. § 271(a).

18. On information and belief, Defendant Fisher Scientific has been and now is directly infringing the '107 Patent in this judicial district, and elsewhere in the United States, by, among other things, using, for chemical supplier transactions, the SciQuest electronic clearinghouse system(s), covered by one or more claims of the '107 Patent, to the injury of SCC. The SciQuest clearinghouse systems include the SciQuest Supplier Network, SciQuest Express, Enterprise Reagent Manager, SciQuest Order Manager, SciQuest Requisition Manager, and/or SciQuest Supplies Manager. Defendant Fisher Scientific is thus liable for infringement of the '107 patent pursuant to 35 U.S.C. § 271(a).

19. On information and belief, UT has been and now is directly infringing the '107 Patent in this judicial district, and elsewhere in the United States, by, among other things, using, for chemical supplier transactions, the SciQuest electronic clearinghouse system(s), covered by one or more claims of the '107 Patent, to the injury of SCC. The SciQuest clearinghouse systems include the SciQuest Supplier Network, SciQuest Express, Enterprise Reagent Manager, SciQuest Order Manager, SciQuest Requisition Manager, and/or SciQuest Supplies Manager. Defendant UT is thus liable for infringement of the '107 patent pursuant to 35 U.S.C. § 271(a).

20. On information and belief, Defendant VWR has been and now is directly infringing the '107 Patent in this judicial district, and elsewhere in the United States, by, among other things, using, for chemical supplier transactions, the SciQuest electronic clearinghouse system(s), covered by one or more claims of the '107 Patent, to the injury of SCC. The SciQuest clearinghouse systems include the SciQuest Supplier Network, SciQuest Express, Enterprise

Reagent Manager, SciQuest Order Manager, SciQuest Requisition Manager, and/or SciQuest Supplies Manager. Defendant VWR is thus liable for infringement of the '107 Patent pursuant to 35 U.S.C. § 271(a).

COUNT II
INFRINGEMENT OF U.S. PATENT NO. 7,945,498

21. Plaintiff is the owner by assignment of United States Patent No. 7,945,498 (“the '498 Patent”) entitled “Method for facilitating chemical supplier transactions” – including all rights to recover for past and future acts of infringement. The '498 Patent issued on May 17, 2011. A true and correct copy of the '498 Patent is attached as Exhibit B.

22. On information and belief, Defendant SciQuest has been and now is directly infringing the '498 Patent in this judicial district, and elsewhere in the United States, by, among other things, using one or more unauthorized methods for facilitating business-to-business transactions between a plurality of members in a trading network, covered by one or more claims of the '498 Patent, to the injury of SCC. The infringing methods include the operation and/or provision of the SciQuest Supplier Network, SciQuest Express, Enterprise Reagent Manager, SciQuest Order Manager, SciQuest Requisition Manager, and/or SciQuest Supplies Manager. Defendant SciQuest is thus liable for infringement of the '498 patent pursuant to 35 U.S.C. § 271(a).

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court enter:

1. A judgment in favor of Plaintiff that Defendants have directly infringed the '107 Patent.

2. A judgment in favor of Plaintiff that SciQuest has contributed to and/or induced infringement of the '107 Patent.

3. A judgment in favor of Plaintiff that SciQuest has directly infringed the '498 Patent.

4. A permanent injunction enjoining Defendants and their officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in active concert therewith from infringing the '107 Patent.

5. A permanent injunction enjoining SciQuest and their officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in active concert therewith from infringing the '498 Patent.

6. A judgment and order requiring Defendants to pay Plaintiff its damages, costs, expenses, and prejudgment and post-judgment interest for Defendants' infringement of the '107 Patent as provided under 35 U.S.C. § 284;

7. A judgment and order requiring SciQuest to pay Plaintiff its damages, costs, and expenses, and prejudgment and post-judgment interest for SciQuest's infringement of the '498 Patent as provided under 35 U.S.C. § 284;

8. A judgment and order finding that this is an exceptional case within the meaning of 35 U.S.C. § 285 and awarding to Plaintiff its reasonable attorneys' fees; and

9. Any and all other relief to which Plaintiff is entitled to under law and any other further relief that this Court or a jury may deem just and proper.

DEMAND FOR JURY TRIAL

Plaintiff, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of any issues so triable by right.

January 31, 2012

/s/ Todd Y. Brandt

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