

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

KICKAPOO RUN, LLC

Plaintiff,

v.

**NEXTGEN HEALTHCARE INFORMATION
SYSTEMS, LLC,**

Defendant.

Civil Action No. 2:12-cv-00380

JURY TRIAL DEMANDED

PLAINTIFF'S ORIGINAL COMPLAINT

Plaintiff Kickapoo Run, LLC ("Plaintiff"), by and through its undersigned counsel, files this Original Complaint against NextGen Healthcare Information Systems, LLC, as follows.

NATURE OF THE ACTION

This is a patent infringement action to stop Defendant's infringement of Plaintiff's United States Patent No. 5,961,332 (the "332 patent") entitled "Apparatus for Processing Psychological Data and Method of Use Thereof," attached as Exhibit A.

PARTIES

1. Plaintiff is a Florida limited liability company having a principal place of business at 3015 N. Ocean Boulevard, #6H, Ft. Lauderdale, FL 33308.

2. On information and belief, Defendant NextGen Healthcare Information Systems, LLC ("NextGen" or "Defendant") is a Delaware corporation with a principal place of business at 12301-B Riata Trace Pkwy, Suite 200, Austin, Texas 78727. Defendant appointed C T Corporation System, 350 N. Saint Paul St., Ste. 2900, Dallas, TX 75201, as its agent for service of process.

JURISDICTION AND VENUE

3. 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).

4. Venue is proper in this district under 28 U.S.C. §§ 1391(c) and 1400(b). On information and belief, Defendant has transacted business in this district, and has committed and/or induced acts of patent infringement in this district.

5. On information and belief, Defendant is subject to this Court's specific and general personal jurisdiction pursuant to due process and/or the Texas Long Arm Statute, due at least to its substantial business in this forum, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from goods and services provided to individuals in Texas and in this district.

COUNT I
INFRINGEMENT OF U.S. PATENT NO. 5,961,332

6. Plaintiff owns, by assignment, the '332 patent, issued on October 5, 1999. A true and correct copy of the '332 patent is included as Exhibit A.

7. Plaintiff is informed and believes that NextGen owns, operates, advertises, controls, sells and otherwise provides hardware and/or software for an "apparatus for processing psychological data and method of use thereof," including NexGen Mobile and associated hardware and/or software. Upon information and belief, NextGen has infringed and continues to infringe one or more claims of the '332 patent by making, using, providing, offering to sell, and selling (directly or through intermediaries), in this district and elsewhere in the United States, systems for remotely utilizing the NextGen Mobile server for processing psychological data.

PRAYER FOR RELIEF

Plaintiff respectfully requests that the Court find in its favor and against Defendant, and that the court grant Plaintiff the following relief:

1. A judgment in favor of Plaintiff that Defendant has infringed the '332 patent, and that such infringement was willful;
2. A permanent injunction enjoining Defendant and its officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in active concert therewith from infringing, inducing the infringement of, or contributing to the infringement of the '332 patent;
3. A judgment and order requiring Defendant to pay Plaintiff its damages, costs, expenses, and prejudgment and post-judgment interest for Defendant's infringement of the '332 patent, as provided under 35 U.S.C. § 284;
4. 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
5. Any and all other relief to which Plaintiff may show itself to be entitled.

DEMAND FOR JURY TRIAL

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

Dated: June 21, 2012

Respectfully submitted,

By: */s/ Austin Hansley*
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