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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

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U.S. DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA, FLORIDA

Qxzab, LLC,

Plaintiff,

v.

SARASOTA COUNTY PUBLIC HOSPITAL
BOARD, d/b/a Sarasota Memorial Health Care
System,

Defendant.

CIVIL ACTION NO.: 8:12 cv 2272 TJS/MS

JURY TRIAL DEMANDED

COMPLAINT

Plaintiff, QXZAB, LLC., (hereinafter, "QX" or "Plaintiff"), by and through its undersigned counsel, files this Original Complaint against Defendant, SARASOTA COUNTY PUBLIC HOSPITAL, d/b/a Sarasota Memorial Health Care System, (hereinafter, referred to as "SARASOTA" or "Defendant"), as follows:

NATURE OF THE ACTION

1. This is a patent infringement action to stop Defendant's infringement of Plaintiff's United States Patent No. 5,832,488 entitled "Computer Systems and Method for Storing Medical Records Using a Smart Card to Store Data" (hereinafter, the "'488 Patent"), referred to as "the Patent-in-Suit". A copy of the '488 Patent is attached hereto as Exhibit "A". QX is the assignee of the Patent-in-Suit. Plaintiff seeks injunctive relief and monetary damages.

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PARTIES

2. Plaintiff, Qxزاب LLC, is a limited liability company organized and existing under the laws of the State of Texas with its principal place of business at 430 North Center Street, Suite 109, Longview, Texas 75601. QX is the assignee of all title and interest of the Patent-in-suit. Plaintiff possesses the entire right to sue for infringement and recover past damages.

3. Upon information and belief, Defendant, Sarasota County Public Hospital Board, d/b/a Sarasota Memorial Health Care System is an entity organized and existing under the laws of the State of Florida, with its principal place of business located at 1700 South Tamiami Trail, Sarasota, Florida 34239 and is the operating company for Sarasota Memorial Hospital and its affiliated entities.

JURISDICTION AND VENUE

4. This action arises under the Patent Laws of the United States, 35 U.S.C. § 1 *et seq.*, including 35 U.S.C. §§ 271, 281, 283, 284, and 285. This Court has subject matter jurisdiction over this case for patent infringement under 28 U.S.C. §§ 1331 and 1338(a).

5. The Court has personal jurisdiction over the Defendant because Defendant has minimum contacts within the State of Florida, and the Middle District of Florida; Defendant has purposefully availed itself of the privileges of conducting business in the State of Florida and in the Middle District of Florida; Defendant has sought protection and benefit from the laws of the State of Florida; Defendant regularly conducts business within the State of Florida and within the Middle District of Florida; and, Plaintiff's cause of action arises directly from Defendant's business contacts and other activities in the State of Florida and in the Middle District of Florida.

6. More specifically, Defendant, directly and/or through intermediaries, utilizes, uses, performs, and/or maintains a smart card based patient record system, which, inter alia, manages the medical history and critical information files of patients in the United States, the

State of Florida, and the Middle District of Florida. Defendant has committed patent infringement in the State of Florida and in the Middle District of Florida, has contributed to patent infringement in the State of Florida and in the Middle District of Florida and/or has induced others to commit patent infringement in the State of Florida and in the Middle District of Florida. Defendant solicits customers in the State of Florida and in the Middle District of Florida. Defendant uses, utilizes, performs and processes smart cards and electronic medical records to many patients who are residents of the State of Florida and the Middle District of Florida.

7. Venue is proper in the Middle District of Florida pursuant to 28 U.S.C. §§ 1391 and 1400(b).

COUNT I – PATENT INFRINGEMENT

8. United States Patent No. 5,832,488 entitled “Computer Systems and Method for Storing Medical Records Using a Smart Card to Store Data” was duly and legally issued by the United States Patent and Trademark Office on November 3rd, 1998 after full and fair examination. Plaintiff is the assignee of all rights, title, and interest in and to the ‘488 patent and possesses all rights of recovery under the ‘488 patent including the right to sue for infringement and recover past damages.

9. Upon information and belief, Sarasota Defendants infringed and continue to infringe one or more claims of the ‘488 patent by making, using, providing, offering to sell, and selling (directly or through intermediaries), in this district and elsewhere in the United States, a computer-readable storage medium utilizing the method of storing and managing the medical history of individual patients by electronic means on a personal health card. Upon information and belief, Sarasota has also contributed to the infringement of one or more claims of the ‘488

patent, and/or actively induced others to infringe one or more claims of the '488 patent, in this district and elsewhere in the United States.

10. Each of Defendant's aforesaid activities has been without authority and/or license from Plaintiff.

11. Plaintiff is entitled to recover from the Defendant the damages sustained by Plaintiff as a result of Defendant's wrongful acts in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

12. Defendant's infringement of Plaintiff's exclusive rights under the '488 patent will continue to damage Plaintiff, causing irreparable harm for which there is no adequate remedy at law, unless enjoined by this Court.

JURY DEMAND

13. Plaintiff hereby requests a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

PRAAYER FOR RELIEF

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

- A. An adjudication that one or more claims of the '488 patent has been infringed, either literally and/or under the doctrine of equivalents, by one or more Defendant and/or by others to whose infringement Defendant has contributed and/or by others whose infringement has been induced by Defendant;

- B. An award to Plaintiff of damages adequate to compensate Plaintiff for the Defendant's acts of infringement together with pre-judgment and post-judgment interest;
- C. A grant of permanent injunction pursuant to 35 U.S.C. § 283, enjoining the Defendant from further acts of (1) infringement, (2) contributory infringement, and (3) actively inducing infringement with respect to the claims of the Patent-in-Suit;
- D. That this Court declare this to be an exceptional case and award Plaintiff reasonable attorneys' fees and costs in accordance with 35 U.S.C. § 285; and
- E. Any further relief that this Court deem just and proper.

Dated: October 4, 2012

Respectfully submitted,

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