

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

INGENIADOR, LLC	§	
	§	
Plaintiff,	§	CIVIL ACTION NO. 2:12-cv-808
	§	
v.	§	JURY TRIAL DEMANDED
	§	
GE HEALTHCARE, INC.	§	
	§	
Defendant.	§	

COMPLAINT FOR PATENT INFRINGEMENT

TO THE HONORABLE COURT:

COMES NOW, Plaintiff Ingeniador, LLC (“Ingeniador”), through the undersigned attorneys, and respectfully alleges, states, and prays as follows:

I. NATURE OF THE ACTION

1. This is an action for patent infringement under the Patent Laws of the United States, Title 35 of the United States Code (“U.S.C.”) to prevent and enjoin Defendant GE Healthcare, Inc. (hereinafter “GE” or “Defendant”) from infringing and profiting, in an illegal and unauthorized manner and without authorization and/or consent from Ingeniador, from U.S. Patent No. 6,990,629 (the “629 Patent”, attached hereto as Exhibit “A”) pursuant to 35 U.S.C. §271, and to recover damages, attorneys’ fees, and costs.

II. THE PARTIES

2. Plaintiff Ingeniador is a Puerto Rico limited liability company with its principal place of business at 1607 Colón St. #101, San Juan, Puerto Rico 00911.

3. GE is a Delaware corporation with its principal place of business at 3000 N. Grandview Blvd., Waukesha, WI 53188. GE maintains a registered agent at The Corporation Trust Company, Corporation Trust Center 1209 Orange St., Wilmington, Delaware 19801.

III. JURISDICTION AND VENUE

4. The Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§1331 and 1338(a) because the action arises under the Patent Laws of the United States, 35 U.S.C. §§ 1 et seq.

5. This Court has personal jurisdiction over GE by virtue of its systematic and continuous contacts with this jurisdiction, as alleged herein, as well as because of the injury to Ingeniador and the cause of action Ingeniador has raised, as alleged herein.

6. GE 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 Judicial District.

7. GE has conducted and does conduct business within the state of Texas, including the geographic region within the Eastern District of Texas, directly or through intermediaries, resellers or agents, or offers for sale, sells, advertises (including, but not limited to, the use of

interactive web pages with promotional material) products or services, or uses or induces others to use services or products in Texas that infringe the '629 Patent, knowingly induces others to infringe and/or contribute to infringement of the '629 Patent occurring within Texas and elsewhere.

8. In addition to GE's continuously and systematically conducting business in Texas, the causes of action against GE are connected (but not limited) to GE's purposeful acts committed in the state of Texas, including the geographic region within the Eastern District of Texas, including GE's making, using, offering for sale, or selling a computer network for web-based editing and publishing products which include features that fall within the scope of at least one claim of the '629 Patent.

9. Venue lies in this judicial district pursuant to 28 U.S.C. §§1391 and 1400(b).

IV. FACTUAL ALLEGATIONS

10. On January 24, 2006, the United States Patent and Trademark Office ("USPTO") duly and legally issued the '629 Patent, entitled "Publishing System for Intranet" after a full and fair examination. A true and correct copy of the '629 patent is attached hereto as Exhibit "A". Ingeniador is presently the owner of the Patent, having received all right, title and interest in and to the '629 Patent from the previous assignee of record. Ingeniador possesses all rights of recovery under the '629 Patent, including the exclusive right to recover for past infringement. The '629 Patent is valid and enforceable.

11. The '629 Patent contains two independent claims and twenty three dependent claims. GE uses methods that perform one or more steps of the claims, and also makes, uses, and sells or offers for sale products that encompass one or more of the claims.

12. The invention claimed in the '629 Patent includes a system and process for web-based editing and publishing of files using a network of client computers, network file server and a Light Weight Directory Access Protocol (LDAP) directory server.

13. The LDAP directory server is adapted to store information defining and limiting the rights of authors and readers in the system. For example, electronic health record products use this feature to restrain access or editing privileges to selected personnel.

14. The network file server is adapted to resolve file server pointers to one or more files on the file server and directory files on the LDAP directory server transmitted from client computer into requests for files and directory files. For example, electronic health record products use file servers to store patient information. The LDAP directory server stores information on the identity and privileges of users of the network. Therefore, when a user requests patient information on a client computer, the file server and the LDAP directory server interact to identify if the user's identity is associated with the required access privileges in order to allow or deny access to the patient's information.

15. The network file server is adapted to retrieve from the LDAP directory server directory content. The network file server is also adapted to convert the directory content into web publishable information and including web publishable information as part of the requested files displayed on the client computer for editing further parts of the files. For example, electronic health record products display on client computers the name of a user or users and allow editing of the requested file.

V. GE'S PRODUCTS

16. GE provides medical technologies and services related to patient care. GE also offers financial, administrative, clinical and service IT solutions that serve a broad range of organizations from small physician practices to large hospital systems.

17. GE makes an integrated electronic medical record and practice management system backed by reporting metrics that enables data-driven decisions at the point of care. This system is made up of the products "GE Centricity Practice Solution" and "GE Centricity Practice Solutions v.10". These systems and web-based software will be collectively referred to as "GE Products".

18. The GE Products bring together patient registration, claims, billing and patient medical records into one system. The GE Products ensure that one set of patient data flows seamlessly through a network of client computers and allows users to have access to the same set of current data.

19. The web-based editing and publishing products infringing the '629 Patent include, but are not limited to, the GE Products.

20. GE Centricity Practice Solution allows users to have web-based access to electronic medical records while also allowing users to edit the data entered with the updates instantly published.

21. GE Centricity Practice Solution allows one set of patient data to flow seamlessly through a network of client computers.

22. GE Centricity Practice Solution allows data to be installed, configured and maintained on servers located offsite in a secure data center. This process is also known as "hosting" or "cloud computing".

23. GE Centricity Practice Solution v.10 provides LDAP authentication for user authentication.

24. GE Centricity Practice Solution resolves file pointers into requests for files. Moreover, GE Centricity Practice Solution resolves file pointers into requests for directory files for authentication when users log into the GE Products with their user credentials.

25. GE Centricity Practice Solution retrieves directory content (user names), which is then converted into web publishable information that is published on the website where users can further edit and manage content.

VI. DIRECT INFRINGEMENT

26. Plaintiff realleges and incorporates by reference the allegations set forth in paragraphs 1-25.

27. Taken together, either partially or entirely, the features included in GE Products, including but not limited to, products called “GE Centricity Practice Solution”, “GE Centricity Practice Solution v.10”, perform the process recited in one or more of the claims of the '629 Patent.

28. Taken together, either partially or entirely, the features included in GE Products including, but not limited to, products called “GE Centricity Practice Solution” and “GE Centricity Practice Solution v.10” use the system described in one or more of the claims of the '629 Patent. .

29. GE directly infringes one or more of the claims of the '629 Patent by making, using, selling, offering to sell and/or importing the process and the system for web-based editing

and publishing such as GE Products, which illegally perform and use the process and system defined by the claims of the '629 Patent, in violation of 35 USC 271(a).

VII. INDIRECT INFRINGEMENT

INDIRECT INFRINGEMENT

30. Plaintiff realleges and incorporates by reference the allegations set forth in paragraphs 1-29.

31. GE has had knowledge of the '629 Patent for at least ten years because public records show that the '629 Patent has been cited as "Prior Art" by at least fourteen patents issued by the United States Patent and Trademark Office during that period.

32. GE has had knowledge of its infringement at least as of service of the present complaint.

33. GE has been and now is indirectly infringing by way of inducing infringement by others of the '629 Patent in the State of Texas, in this judicial district, and elsewhere in the United States, by, among other things, illegally making, using, importing, offering for sale, and/or selling, products for performing processes and using systems that fall within the scope of one or more claims of the '629 Patent, in violation of 35 USC § 271(b). Such products include, without limitation, one or more of the GE Products. For example, GE indirectly infringes one or more claims of the '629 Patent by actively inducing its customers, users, subscribers and licensees who directly infringe due to their use of the GE Products.

34. Furthermore, GE indirectly infringes one or more claims of the '629 Patent by actively inducing third-party developers to create applications enabling functionality including,

without limitation, the function to make use of the services offered and sold by GE, who directly infringe one or more of the claims of the '629 Patent due to their use of the GE Products.

CONTRIBUTORY INFRINGEMENT

35. Plaintiff realleges and incorporates by reference the allegations set forth in paragraphs 1-34.

36. GE contributes to the infringement of one or more of the claims of the '629 Patent in violation of 35 USC 271(c).

37. With knowledge of the patent in suit, GE indirectly infringes the '629 Patent by contributing to the direct infringement of a class of actors which includes the end-users of the GE products, as well as consumers, users, subscribers and licensees, by encouraging the class of actors to operate the GE products, aware of the fact that such acts amount to infringement of one or more claims of the '629 Patent.

38. Products sold by GE for implementation of GE products are components of a patented device covered by one or more of the claims of the '629 Patent, which constitute a material part of the invention and are not a staple article or commodity of commerce suitable for substantial noninfringing use. The GE Products lack substantial noninfringing use and are for use in product configurations that infringe the '629 Patent.

39. GE has known that devices that implement GE products are especially made or especially adapted for use in infringement of the '629 Patent at least as of service of the present complaint.

VIII. DEMAND FOR JURY TRIAL

Ingeniador demands a trial by jury of any and all causes of action.

IX. PRAYER FOR RELIEF

WHEREFORE, Ingeniador prays for the following relief:

1. That Defendant be adjudged to have infringed the '629 Patent, directly and/or indirectly, by way of inducement and/or contributory infringement, literally and/or under the doctrine of equivalents;
 2. That Defendant, its officers, directors, agents, servants, employees, attorneys, affiliates, divisions, branches, parents, and those persons in active concert or participation with any of them, be preliminarily and permanently restrained and enjoined from directly and/or indirectly infringing the '629 Patent;
 3. An award of damages pursuant to 35 U.S.C. §284 sufficient to compensate Ingeniador for the Defendant's past infringement and any continuing or future infringement up until the date that Defendant is finally and permanently enjoined from further infringement, including compensatory damages;
 4. An assessment of pre-judgment and post-judgment interest and costs against Defendant, together with an award of such interest and costs, in accordance with 35 U.S.C. §284;
 5. That Defendant be directed to pay enhanced damages, including Ingeniador's attorneys' fees incurred in connection with this lawsuit pursuant to 35 U.S.C. §285;
- and

6. That Ingeniador have such other and further relief as this Court may deem just and proper.

Dated: December 19, 2012

Respectfully Submitted,

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