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*Attorneys for Plaintiff PPS Data, LLC*

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**IN THE UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF UTAH, CENTRAL DIVISION**

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PPS DATA, LLC, a Nevada limited liability  
company,

Plaintiff,

vs.

NAVINET, INC., a Delaware corporation,

Defendant.

**FIRST AMENDED COMPLAINT**

Case No.: 2:12-cv-00439-RJS-EJF

Hon. Judge Robert J. Shelby

Hon. Magistrate Judge Evelyn J. Furse

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Plaintiff PPS Data, LLC (“PPS”), by and through undersigned counsel of record, hereby  
complains against Defendant Navinet, Inc. (“Navinet”), and alleges as follows:

**PARTIES**

1. PPS is a limited liability company organized under the laws of the State of Nevada and has its principal place of business in Salt Lake City, Utah. PPS is wholly-owned by Zions Bancorporation, a Utah corporation.

2. On information and belief, Navinet is a corporation with its principal place of business at 179 Lincoln Street, Boston, MA 02111, and existing under the laws of the State of Delaware. Navinet has designated its registered agent as The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, DE 19801. Navinet is doing business in this district.

### **JURISDICTION AND VENUE**

3. This is a civil action for patent infringement under 35 U.S.C. §§ 271, 281, 283, 284, 285, and 289.

4. Subject matter jurisdiction is conferred upon this Court by 28 U.S.C. §§ 1331 and 1338(a).

5. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391(b) and 1400(b) as Navinet has committed the acts complained of herein in this district. Upon information and belief, Navinet has solicited business in the State of Utah, transacted business in the State of Utah, and attempted to derive financial benefit from residents of the State of Utah, including benefits directly related to the instant patent infringement cause of action set forth herein.

6. On information and belief, Navinet has placed its infringing goods, systems, methods, compositions, and/or services, including, without limitation, Navinet's Insurer Connect and/or Portal systems, into the stream of commerce throughout the United States, which goods, systems, methods, compositions, and/or services have been offered for sale, sold, and/or use in the State of Utah and/or the District of Utah.

7. Navinet, directly or through its subsidiaries, divisions, groups, or distributors has committed acts of infringement in this district, is subject to personal jurisdiction in this district, and/or is doing business in this district.

**FIRST CLAIM FOR RELIEF**

Infringement of United States Patent No. 6,341,265

8. On January 22, 2002, U.S. Patent No. 6,341,265 (“the ’265 Patent”), entitled “Provider Claim Editing and Settlement System,” a copy of which is attached hereto as Exhibit A, was duly and legally issued by the United States Patent and Trademark Office. PPS is the owner of all right, title, and interest in and to the ’265 Patent, including the right to sue for and recover all past, present, and future damages for infringement of the ’265 Patent.

9. Upon information and belief, Navinet, directly or through its subsidiaries, divisions, or groups, has infringed and continues to infringe the ’265 Patent by making, using, selling, and/or offering to sell, or allowing others to make, use, sell, and/or offer to sell, in the United States, Utah, and/or this district, goods, systems, methods, compositions, and/or services that are covered by one or more of the claims of the ’265 Patent, including, but not limited to, claims 1-27.

10. Navinet is liable for infringement of the ’265 Patent pursuant to 35 U.S.C. § 271.

11. Navinet’s acts of infringement have caused damage to PPS, and PPS is entitled to recover from Navinet the damages sustained by PPS as a result of Navinet’s wrongful acts in an amount subject to proof at trial.

12. As a consequence of the infringement complained of herein, PPS has been

irreparably damaged to an extent not yet determined and will continue to be irreparably damaged by such acts in the future unless Navinet is enjoined by the Court from committing further acts of infringement.

13. Upon information and belief, one or more of Navinet's acts of infringement have been or will be undertaken with knowledge of the '265 Patent. Such acts constitute willful infringement and make this case exceptional pursuant to 35 U.S.C. §§ 284 and 285, and further entitle PPS to enhanced damages and reasonable attorneys' fees.

**SECOND CLAIM FOR RELIEF**

Infringement of United States Patent No. 7,194,416

1. On March 20, 2007, U.S. Patent No. 7,194,416 ("the '416 Patent"), entitled "Interactive Creation and Adjudication of Health care Insurance Claims," a copy of which is attached hereto as Exhibit B, was duly and legally issued by the United States Patent and Trademark Office. PPS is the owner of all right, title, and interest in and to the '416 Patent, including the right to sue for and recover all past, present, and future damages for infringement of the '416 Patent.

2. Upon information and belief, Navinet, directly or through its subsidiaries, divisions, or groups, has infringed and continues to infringe the '416 Patent by making, using, selling, and/or offering to sell, or allowing others to make, use, sell, and/or offer to sell, in the United States, Utah, and/or this district, goods, systems, methods, compositions, and/or services that are covered by one or more of the claims of the '416 Patent, including, but not limited to, claims 1-12.

3. Navinet is liable for infringement of the '416 Patent pursuant to 35 U.S.C. § 271.

4. Navinet's acts of infringement have caused damage to PPS, and PPS is entitled to recover from Navinet the damages sustained by PPS as a result of Navinet's wrongful acts in an amount subject to proof at trial.

5. As a consequence of the infringement complained of herein, PPS has been irreparably damaged to an extent not yet determined and will continue to be irreparably damaged by such acts in the future unless Navinet is enjoined by the Court from committing further acts of infringement.

6. Upon information and belief, one or more of Navinet's acts of infringement have been or will be undertaken with knowledge of the '416 Patent. Such acts constitute willful infringement and make this case exceptional pursuant to 35 U.S.C. §§ 284 and 285, and further entitle PPS to enhanced damages and reasonable attorneys' fees.

#### **PRAYER FOR RELIEF**

WHEREFORE, PPS prays for the following relief:

- A. Navinet has infringed the '265 Patent;
- B. Navinet account for and pay to PPS all damages caused by its infringement of the '265 Patent, and to enhance such damages as appropriate, all in accordance with 35 U.S.C. § 284;
- C. Navinet has infringed the '416 Patent;
- D. Navinet account for and pay to PPS all damages caused by its infringement of the '416 Patent, and to enhance such damages as appropriate, all in accordance with 35 U.S.C. § 284;
- E. PPS be granted permanent injunctive relief pursuant to 35 U.S.C. § 283, enjoining

Navinet, its officers, agents, servants, employees, and those persons in active concert or participation with it from further acts of patent infringement;

F. PPS be granted pre-judgment and post-judgment interests on the damages caused to it by reason of Navinet's patent infringement;

G. The Court declare this an exceptional case and that PPS be granted its reasonable attorneys' fees in accordance with 35 U.S.C. § 285;

H. Costs be awarded to PPS; and

I. PPS be granted such other and further relief as the Court may deem just and proper under the circumstances.

**DEMAND FOR JURY TRIAL**

PPS hereby demands trial by jury as to all issues in this action triable by jury.

DATED this 6<sup>th</sup> day of March, 2013.

Respectfully submitted,

KIRTON | McCONKIE

By: /s/James T. Burton  
Michael F. Krieger  
James T. Burton  
Joshua S. Rupp

Attorneys for Plaintiff

**CERTIFICATE OF SERVICE**

I hereby certify that on this 6<sup>th</sup> day of March, 2013, a copy of the foregoing was filed electronically through the Court's CM/ECF system, which causes service upon all counsel registered thereon.

/s/ James T. Burton