

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

SIEMENS MEDICAL SOLUTIONS  
USA, INC.,

Plaintiff,

v.

HUMEDICA, INC.,

Defendant.

C.A. No. \_\_\_\_\_

**JURY TRIAL DEMANDED**

**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff Siemens Medical Solutions USA, Inc. (“Siemens Medical”), by and through its undersigned counsel, for its Complaint against Humedica, Inc. (“Humedica” and/or “Defendant”), alleges as follows:

**NATURE OF THE ACTION**

1. This is an action for patent infringement arising under the Patent Laws of the United States of America, 35 U.S.C. §§ 1 *et seq.*, including 35 U.S.C. § 271.

2. Plaintiff Siemens Medical develops, sells and deploys software solutions that aggregate and analyze data from healthcare providers to improve patient outcomes, healthcare efficiency, and pharmaceutical efficacy. Plaintiff’s solutions have been adopted by dozens of hospitals and healthcare systems nationwide.

**THE PARTIES**

3. Plaintiff Siemens Medical is a corporation organized under the laws of Delaware with its principal place of business at 51 Valley Stream Parkway, Malvern, Pennsylvania 19355.

4. Upon information and belief, Defendant is a corporation organized under the laws of Delaware with its principal place of business at 1380 Soldiers Field Road, Boston, Massachusetts 02135.

5. Defendant makes, uses, sells, offers for sale and/or imports infringing products and services that mine and aggregate patient and healthcare data, including at least its MinedShare, MinedStream, NorthStar, Optum One and reasonably similar products and services (collectively, “the Accused Products”).

### **JURISDICTION AND VENUE**

6. This 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 of America, 35 U.S.C. §§ 1 *et seq.*

7. This Court has personal jurisdiction over Defendant because, on information and belief, Defendant is a Delaware corporation.

8. Upon information and belief, this Court also has personal jurisdiction over Defendant by virtue of its systematic and continuous contacts with this jurisdiction, as well as because of the injury to Siemens Medical and the cause of action Siemens Medical has raised, as alleged herein.

9. Upon information and belief, Defendant is subject to this Court’s specific and general personal jurisdiction pursuant to due process and/or the Delaware Long-Arm Statute, Del Code Ann., Tit. 3, § 3104, due to at least its substantial business in this forum, including (i) at least a portion of the infringement 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 customers in Delaware.

10. Upon information and belief, Defendant has conducted and does conduct business within the state of Delaware, directly or through intermediaries, resellers, agents, or offers for sale, sales, and/or by advertising products or services in Delaware that infringe the Asserted Patents (as defined below).

11. In addition to Defendant continuously and systematically conducting business in Delaware, the causes of action against Defendant are connected, but not necessarily limited, to

Defendant's purposeful acts committed in the state of Delaware including, upon information and belief, Defendant's offering for sale or sale of products and services which include features that fall within the scope of at least one claim of each of the Asserted Patents.

12. Venue lies in this District under 28 U.S.C. §§ 1391 and 1400(b) because, among other reasons, Defendant is subject to personal jurisdiction in this District and has committed and continues to commit acts of patent infringement in this District. For example, upon information and belief, Defendant has offered for sale and/or sold infringing products within this District.

### **THE PATENTS-IN-SUIT**

13. There are four patents at issue in this action: U.S. Patent No. 7,181,375 ("the '375 patent"); U.S. Patent No. 7,617,078 ("the '078 patent"); U.S. Patent No. 7,630,947 ("the '947 patent"); and U.S. Patent No. 7,725,330 ("the '330 patent") (collectively, "the Patents-in-Suit").

14. On February 20, 2007, the United States Patent and Trademark Office ("USPTO") duly and legally issued the '375 patent, titled "Patient Data Mining for Diagnosis and Projections of Patient States," after a full and fair examination. The '375 patent is valid and enforceable. Siemens Medical is the owner of the patent and possesses all right, title, and interest in and to the '375 patent. Siemens Medical owns all rights of recovery under the '375 patent. A copy of the '375 patent is attached hereto as Exhibit A.

15. On November 10, 2009, the USPTO duly and legally issued the '078 patent, titled "Patient Data Mining," after a full and fair examination. The '078 patent is valid and enforceable. Siemens Medical is the owner of the patent and possesses all right, title, and interest in and to the '078 patent, including all rights of recovery under the '078 patent. A copy of the '078 patent is attached hereto as Exhibit B.

16. On December 8, 2009, the USPTO duly and legally issued the '947 patent, titled "Medical Ontologies for Computer Assisted Clinical Decision Support," after a full and fair examination. The '947 patent is valid and enforceable. Siemens Medical is the owner of the

patent and possesses all right, title, and interest in and to the '947 patent, including all rights of recovery under the '947 patent. A copy of the '947 patent is attached hereto as Exhibit C.

17. On May 25, 2010, the USPTO duly and legally issued the '330 patent, titled "Systems and Methods for Automated Extraction and Processing of Billing Information in Patient Records," after a full and fair examination. The '330 patent is valid and enforceable. Siemens Medical is the owner of the patent and possesses all right, title, and interest in and to the '330 patent, including all rights of recovery under the '330 patent. A copy of the '330 patent is attached hereto as Exhibit D.

18. In July 2013, Plaintiff notified Defendant of the existence of each of the Patents-in-Suit.

**COUNT I:**  
**INFRINGEMENT OF U.S. PAT. NO. 7,181,375**

19. Siemens Medical re-alleges and incorporates by reference the allegations set forth in paragraphs 1-18.

20. Siemens Medical is informed and believes, and on that basis alleges, that Defendant has been and is directly infringing one or more claims of the '375 patent under at least 35 U.S.C. § 271(a) by making, using, selling, offering to sell and/or importing within the United States products or services, including without limitation Defendant's Accused Products, which incorporate or practice the inventions claimed in the '375 patent. For example, Defendant directly infringes the '375 patent as it uses the Accused Products internally, including as Defendant's employees and agents use the Accused Products to generate data, advice, and recommendations for Defendant's customers as revenue producing services, during development and testing, and when demonstrating or otherwise offering for sale the Accused Products.

21. Plaintiff is informed and believes, and on that basis alleges, that Defendant's infringement is literal or, in the alternative, infringement under the doctrine of equivalents.

22. Plaintiff is informed and believes, and on that basis alleges, that Humedica has indirectly infringed and continues to indirectly infringe the '375 patent pursuant to 35 U.S.C.

§ 271(b) by inducing its customers, users, licensees, or others to directly infringe by using its products, including without limitation the Accused Products. Defendant has engaged in such inducement despite its knowledge of the '375 patent. Furthermore, Defendant knew or should have known that its actions would induce infringement by others and intended that its actions would induce direct infringement by others. For example, Siemens Medical is informed and believes, and on that basis alleges, that Defendant instructs its customers on the use of the Accused Products.

23. Plaintiff is informed and believes, and on that basis alleges, that Humedica has contributorily infringed and continues to contributorily infringe the '375 patent pursuant to 35 U.S.C. § 271(c) by selling and/or offering to sell its products, including without limitation the Accused Products, whose infringing features are not a staple article of commerce and when used by a third-party, such as a customer, can only be used in a way that infringes the '375 patent. Defendant has done this with knowledge of the '375 patent and with knowledge that the Accused Products each constitutes a material part of the invention claimed by the '375 patent.

24. Humedica's infringement of the '375 patent has been willful since at least July 2013, when, as described above, it was informed of the existence of the '375 patent. To the extent that facts learned in discovery show that Defendant's infringement of the '375 patent was willful prior to July 2013, Siemens Medical reserves the right to request such a finding at the time of trial.

25. Humedica's infringement has left Siemens Medical with no adequate remedy at law and has caused, is causing, and if not enjoined will continue to cause, irreparable damage to Siemens Medical.

26. Humedica, by reason of its infringing activity, has caused and continues to cause Siemens Medical to suffer damages in an amount to be determined at trial.

**COUNT II:**  
**INFRINGEMENT OF U.S. PAT. NO. 7,617,078**

27. Siemens Medical re-alleges and incorporates by reference the allegations set forth in paragraphs 1-18.

28. Siemens Medical is informed and believes, and on that basis alleges, that Defendant has been and is directly infringing one or more claims of the '078 patent under at least 35 U.S.C. § 271(a) by making, using, selling, offering to sell, and/or importing within the United States products or services, including without limitation Defendant's Accused Products, which incorporate or practice the inventions claimed in the '078 patent. For example, Defendant directly infringes the '078 patent as it uses the Accused Products internally, including as Defendant's employees and agents use the Accused Products to generate data, advice, and recommendations for Defendant's customers as revenue producing services, during development and testing, and when demonstrating or otherwise offering for sale the Accused Products.

29. Plaintiff is informed and believes, and on that basis alleges, that Defendant's infringement is literal or, in the alternative, infringement under the doctrine of equivalents.

30. Plaintiff is informed and believes, and on that basis alleges, that Humedica has indirectly infringed and continues to indirectly infringe the '078 patent pursuant to 35 U.S.C. § 271(b) by inducing its customers, users, licensees, or others to directly infringe by using its products, including without limitation the Accused Products. Defendant has engaged in such inducement despite its knowledge of the '078 patent. Furthermore, Defendant knew or should have known that its actions would induce infringement by others and intended that its actions would induce direct infringement by others. For example, Siemens Medical is informed and believes, and on that basis alleges, that Defendant instructs its customers on the use of the Accused Products.

31. Plaintiff is informed and believes, and on that basis alleges, that Humedica has contributorily infringed and continues to contributorily infringe the '078 patent pursuant to 35 U.S.C. § 271(c) by selling and/or offering to sell its products, including without limitation the

Accused Products, whose infringing features are not a staple article of commerce and when used by a third-party, such as a customer, can only be used in a way that infringes the '078 patent. Defendant has done this with knowledge of the '078 patent and with knowledge that the Accused Products each constitutes a material part of the invention claimed by the '078 patent.

32. Humedica's infringement of the '078 patent has been willful since at least July 2013, when, as described above, it was informed of the existence of the '078 patent. To the extent that facts learned in discovery show that Defendant's infringement of the '078 patent was willful prior to July 2013, Siemens Medical reserves the right to request such a finding at the time of trial.

33. Humedica's infringement has left Siemens Medical with no adequate remedy at law and has caused, is causing, and if not enjoined will continue to cause, irreparable damage to Siemens Medical.

34. Humedica, by reason of its infringing activity, has caused and continues to cause Siemens Medical to suffer damages in an amount to be determined at trial.

**COUNT III:**  
**INFRINGEMENT OF U.S. PAT. NO. 7,630,947**

35. Siemens Medical re-alleges and incorporates by reference the allegations set forth in paragraphs 1-18.

36. Siemens Medical is informed and believes, and on that basis alleges, that Defendant has been and is directly infringing one or more claims of the '947 patent under at least 35 U.S.C. § 271(a) by making, using, selling, offering to sell, and/or importing within the United States products or services, including without limitation Defendant's Accused Products, which incorporate or practice the inventions claimed in the '947 patent. For example, Defendant directly infringes the '947 patent as it uses the Accused Products internally, including as Defendant's employees and agents use the Accused Products to generate data, advice, and recommendations for Defendant's customers as revenue producing services, during development and testing, and when demonstrating or otherwise offering for sale the Accused Products.

37. Plaintiff is informed and believes, and on that basis alleges, that Defendant's infringement is literal or, in the alternative, infringement under the doctrine of equivalents.

38. Plaintiff is informed and believes, and on that basis alleges, that Humedica has indirectly infringed and continues to indirectly infringe the '947 patent pursuant to 35 U.S.C. § 271(b) by inducing its customers, users, licensees, or others to directly infringe by using its products, including without limitation the Accused Products. Defendant has engaged in such inducement despite its knowledge of the '947 patent. Furthermore, Defendant knew or should have known that its actions would induce infringement by others and intended that its actions would induce direct infringement by others. For example, Siemens Medical is informed and believes, and on that basis alleges, that Defendant instructs its customers on the use of the Accused Products.

39. Plaintiff is informed and believes, and on that basis alleges, that Humedica has contributorily infringed and continues to contributorily infringe the '947 patent pursuant to 35 U.S.C. § 271(c) by selling and/or offering to sell its products, including without limitation the Accused Products, whose infringing features are not a staple article of commerce and when used by a third-party, such as a customer, can only be used in a way that infringes the '947 patent. Defendant has done this with knowledge of the '947 patent and with knowledge that the Accused Products each constitutes a material part of the invention claimed by the '947 patent.

40. Humedica's infringement of the '947 patent has been willful since at least July 2013, when, as described above, it was informed of the existence of the '947 patent. To the extent that facts learned in discovery show that Defendant's infringement of the '947 patent was willful prior to July 2013, Siemens Medical reserves the right to request such a finding at the time of trial.

41. Humedica's infringement has left Siemens Medical with no adequate remedy at law and has caused, is causing, and if not enjoined will continue to cause, irreparable damage to Siemens Medical.



42. Humedica, by reason of its infringing activity, has caused and continues to cause Siemens Medical to suffer damages in an amount to be determined at trial.

**COUNT IV:**  
**INFRINGEMENT OF U.S. PAT. NO. 7,725,330**

43. Siemens Medical re-alleges and incorporates by reference the allegations set forth in paragraphs 1-18.

44. Siemens Medical is informed and believes, and on that basis alleges, that Defendant has been and is directly infringing one or more claims of the '330 patent under at least 35 U.S.C. § 271(a) by making, using, selling, offering to sell, and/or importing within the United States products or services, including without limitation Defendant's Accused Products, which incorporate or practice the inventions claimed in the '330 patent. For example, Defendant directly infringes the '330 patent as it uses the Accused Products internally, including as Defendant's employees and agents use the Accused Products to generate data, advice, and recommendations for Defendant's customers as revenue producing services, during development and testing, and when demonstrating or otherwise offering for sale the Accused Products.

45. Plaintiff is informed and believes, and on that basis alleges, that Defendant's infringement is literal or, in the alternative, infringement under the doctrine of equivalents.

46. Plaintiff is informed and believes, and on that basis alleges, that Humedica has indirectly infringed and continues to indirectly infringe the '330 patent pursuant to 35 U.S.C. § 271(b) by inducing its customers, users, licensees, or others to directly infringe by using its products, including without limitation the Accused Products. Defendant has engaged in such inducement despite its knowledge of the '330 patent. Furthermore, Defendant knew or should have known that its actions would induce infringement by others and intended that its actions would induce direct infringement by others. For example, Siemens Medical is informed and believes, and on that basis alleges, that Defendant instructs its customers on the use of the Accused Products.

47. Plaintiff is informed and believes, and on that basis alleges, that Humedica has contributorily infringed and continues to contributorily infringe the '330 patent pursuant to 35 U.S.C. § 271(c) by selling and/or offering to sell its products, including without limitation the Accused Products, whose infringing features are not a staple article of commerce and when used by a third-party, such as a customer, can only be used in a way that infringes the '330 patent. Defendant has done this with knowledge of the '330 patent and with knowledge that the Accused Products each constitutes a material part of the invention claimed by the '330 patent.

48. Humedica's infringement of the '330 patent has been willful since at least July 2013, when, as described above, it was informed of the existence of the '330 patent. To the extent that facts learned in discovery show that Defendant's infringement of the '330 patent was willful prior to July 2013, Siemens Medical reserves the right to request such a finding at the time of trial.

49. Humedica's infringement has left Siemens Medical with no adequate remedy at law and has caused, is causing, and if not enjoined will continue to cause, irreparable damage to Siemens Medical.

50. Humedica, by reason of its infringing activity, has caused and continues to cause Siemens Medical to suffer damages in an amount to be determined at trial.

#### **DEMAND FOR JURY TRIAL**

Pursuant to Federal Rule of Civil Procedure 38, Siemens Medical hereby demands a trial by jury on all issues so triable.

#### **PRAYER FOR RELIEF**

Wherefore, Siemens Medical respectfully requests that judgment be entered in its favor and prays that the Court grant the following relief:

- A. A judgment in Siemens Medical's favor on each count;
- B. A judgment in favor of Siemens Medical that Humedica has infringed, literally and/or under the doctrine of equivalents, claims of the '375 patent;

- C. A judgment in favor of Siemens Medical that Humedica has infringed, literally and/or under the doctrine of equivalents, claims of the '078 patent;
- D. A judgment in favor of Siemens Medical that Humedica has infringed, literally and/or under the doctrine of equivalents, claims of the '947 patent;
- E. A judgment in favor of Siemens Medical that Humedica has infringed, literally and/or under the doctrine of equivalents, claims of the '330 patent;
- F. An order preliminarily and permanently enjoining Humedica, together with its officers, agents, employees, attorneys, dealers, distributors, sales representatives, and all others acting in concert or privity with it, from making, using, selling, offering for sale, or importing the Accused Products or any colorable imitation of the Accused Products, and from otherwise infringing the claims of the patents at issue;
- G. An order requiring Humedica to provide a pre-judgment accounting and to pay supplemental damages to Siemens Medical, including without limitation, pre-judgment and post-judgment interest;
- H. An award to Siemens Medical of the damages to which is entitled under 35 U.S.C. § 284 for Humedica's past infringement and any continuing or future infringement up until the date Humedica is finally and permanently enjoined from further infringement;
- I. An award to Siemens Medical of its attorneys' fees and costs in this action;
- J. Such other relief that the Court deems just and proper.

ASHBY & GEDDES

*/s/ Tiffany Geyer Lydon*

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