

**UNITES STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

EPOWERDOC, LLC,

Plaintiff,

Case No.:

v.

CORROHEALTH, INC.

Defendant.

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COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiff, EPOWERdoc, LLC (“EPOWERdoc”), sues Defendant, CorroHealth, Inc. (“CorroHealth”), asserts a demand for a jury trial, and alleges the following:

NATURE OF THE CASE

1. EPOWERdoc, LLC (“EPOWERdoc”) seeks a declaratory judgment that it is not infringing any valid patent rights owned by Defendant CorroHealth, Inc. (“CorroHealth”) by its sale of its EMRDoc emergency department information system. The need for such relief exists because CorroHealth has wrongfully accused EPOWERdoc of patent infringement.

THE PARTIES

2. Plaintiff EPOWERdoc is a Nebraska Limited Liability Company with its principal place of business at 201 E. Kennedy Blvd., Suite 1950, Tampa, Florida 33602.

3. Defendant CorroHealth is a Delaware Corporation with its principal place of business at 6509 Windcrest Dr., Suite 165, Plano, Texas 75024-3403. CorroHealth is registered to do business in the State of Florida, having a registered agent at CT Corporation System, 1200 South Pine Island Road, Plantation, Florida 33324.

JURISDICTION AND VENUE

4. The Court has original jurisdiction over the claims because they arise under 28 U.S.C. §§ 2201 (declaratory judgment), 1331 (federal question), and 1338 (Patent Act).

5. Venue is proper under 28 U.S.C. §1391(b)(1) because CorroHealth does business in and is subject to personal jurisdiction in this district for the claims asserted herein, and under 28 U.S.C § 1391 (b)(2) because a substantial part of the events or omissions giving rise to the claim occurred in this district.

GENERAL ALLEGATIONS

6. EPOWERdoc is a company that sells a comprehensive suite of emergency department documentation systems for hospitals. The electronic medical records created by EPOWERdoc allows hospitals to be more efficient and better managed.

7. On information and belief, Defendant CorroHealth offers risk adjustment chart review for Medicare, Medicaid, ACA/Exchange and risk-bearing entities.

8. On information and belief, CorroHealth was formed by the combination of four different companies: Trust HCS, Visionary RCM, RevCycle +, and T-Systems, Inc.

9. In response to the growing popularity of EPOWERdoc's products and services, CorroHealth sent EPOWERdoc a threatening letter to its offices in Tampa, Florida, wrongfully accusing EPOWERdoc of infringing U.S. Patent No. 8,898,106 ("the '106 patent"). The '106 patent, attached as Exhibit A, issued on November 25, 2014, to T-Systems, Inc. In its threatening letter, CorroHealth asserted ownership of the '106 patent. CorroHealth asserted that EPOWERdoc infringed at least Claim 1 of the '106 patent.

10. In response, EPOWERdoc investigated the claim of infringement and found it to be completely lacking in merit. EPOWERdoc informed counsel for CorroHealth that EPOWERdoc did not infringe and that the '106 patent was invalid. In advising CorroHealth of its position, EPOWERdoc pointed out that the '106 patent was invalid in view of prior art, for lack of adequate written description, and for being directed to patent ineligible subject matter.

11. In response to EPOWERdoc's information regarding invalidity and non-infringement, CorroHealth persisted in claiming EPOWERdoc infringes the '106 patent, and denied the '106 patent was invalid.

12. A justiciable controversy exists as to whether EPOWERdoc is infringing any valid patent rights owned by CorroHealth as a result of EPOWERdoc selling its EMRDoc product.

13. EPOWERdoc's sales of the EMRDoc product does not infringe any valid patent rights owned by CorroHealth, including any valid patent claims of the '106 patent. Accordingly, EPOWERdoc respectfully requests that the Court issue a declaratory judgment confirming that EPOWERdoc is not infringing, and has not infringed, any CorroHealth patent rights as a result of its sale of the EMRDoc product.

COUNT I
DECLARATORY JUDGMENT OF NON-INFRINGEMENT AND
INVALIDITY OF U.S. PATENT NO. 8,898,106

14. EPOWERdoc re-alleges paragraphs 1 through 13 above as if fully set forth herein.

15. EPOWERdoc is not infringing any valid claims of the '106 patent. CorroHealth has accused EPOWERdoc of infringing at least claim 1 of the '106 patent. EPOWERdoc's sales of the EMRDoc product do not infringe Claim 1 of the '106 patent at least because EMRDoc does not include a "first type of yes/no data entry" and a "second type of yes/no data entry" as set for in the claims of the '106 patent.

16. The '106 patent is invalid under 35 U.S.C. §§ 102, 103 and/or 112. The claims are invalid under §§ 102 and/or 103, for example, in light of US Patent Application Publication No. 2002/0004729 to Zach.

17. The '106 patent is also invalid under 35 U.S.C. §101 because it claims nothing more than the abstract idea of collecting data and organizing the data into data fields. The claims are directed to an abstract idea and provide no further structures or processes that would convert or transform the abstract idea into patentable subject matter.

18. The collection and organization of medical records was done in the past without converting the data to an electronic format. The claims simply use standard computers to perform functions previously done manually by humans.

19. The '106 patent claims set forth nothing more than collecting data, reordering data and generating additional data in claims of the type that have been repeatedly found invalid by the U.S. Court of Appeals for the Federal Circuit, including *Two-Way Media Ltd. v. Comcast Cable Communications, LLC*, 874 F.3d 1329 (Fed. Cir. 2017); *RecogniCorp, LLC v. Nintendo Co.*, 855 F.3d 1322 (Fed. Cir. 2017); *Intellectual Ventures I LLC v. Capital One Financial Corp.*, 850 F.3d 1332 (Fed. Cir. 2017); and *Digitech Image Technologies, LLC v. Electronics for Imaging, Inc.*, 758 F.3d 1344 (Fed. Cir. 2014).

20. EPOWERdoc's current computerized electronic health record systems have been in use in paper form since at least as early as 2000. Knowledge of EPOWERdoc's prior paper forms by the applicant of the '106 patent, without disclosure to the patent examiner in charge of the '106 patent application, would amount to inequitable conduct, rendering the '106 patent unenforceable. While discovery will determine exactly when CorroHealth or its acquired predecessor

companies were first aware of EPOWERdoc, EPOWERdoc's prior paper templates anticipate and/or render obvious the '106 patent. The EPOWERdoc paper templates further demonstrate the patent ineligibility of the '106 patent because the forms show that, beyond the abstract idea of data collection and manipulation, any additional steps consist of well-understood, routine, conventional activity already engaged in by the medical community. Those steps, when viewed as a whole, add nothing significant beyond the sum of their parts taken separately.

21. The conduct of CorroHealth has presented a substantial controversy between the parties, who have adverse legal interests, of sufficient immediacy and reality to warrant issuance of a declaratory judgment as to EPOWERdoc's non-infringement of the '106 patent and the invalidity of the '106 patent.

22. This case is exceptional under 35 U.S.C. §285.

PRAYER FOR RELIEF

WHEREFORE, EPOWERdoc respectfully request that the Court enter judgment in favor of EPOWERdoc and grant the following relief:

1. A declaratory judgment that EPOWERdoc is not infringing any CorroHealth patent rights, including any valid claims of the '106 patent;
2. A declaratory judgment that the allegedly infringed claims of the CorroHealth '106 patent are invalid in light of 35 U.S.C. §§ 101, 102, 103, and 112;
3. A permanent injunction enjoining CorroHealth from asserting, to EPOWERdoc or its customers, that EPOWERdoc's sales of EMRDoc

constitute infringement of CorroHealth's patent rights, including those associated with the '106 patent;

4. A judgment that this is an exceptional case under 35 U.S.C. §285;
5. An award to EPOWERdoc of its reasonable attorneys' fees and costs pursuant to 35 U.S.C. § 285 or otherwise permitted by law; and
6. For such other and further relief that the Court deems just and proper.

JURY TRIAL DEMAND

EPOWERdoc respectfully demands a trial by jury on all claims and issues so triable.

Date: June 8, 2023

Edward A. Pennington
(pro hac forthcoming)
PENNINGTON OLIAK, PLLC
1055 Thomas Jefferson St., NW Ste. L35
Washington, DC 20007
(202) 897-2725
Fax: (202) 838-8245
epennington@pennoliak.com

Respectfully submitted,

/s/ Kathleen M. Wade
Kathleen M. Wade
Florida Bar No. 127965
FEE & JEFFRIES, P.A.
1227 N. Franklin Street
Tampa, Florida 33602
(813) 229-8008
(813) 229-0046
kwade@feejeffries.com
bszabo@feejeffries.com

*Attorneys for Plaintiff,
EPOWERDOC, LLC*