

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN**

SynKloud Technologies, LLC,

Plaintiff,

v.

Epic Systems Corp.,

Defendant.

Case No.

COMPLAINT

JURY TRIAL DEMANDED

Plaintiff, SynKloud Technologies, LLC (“SynKloud”), by and through undersigned counsel, hereby brings suit against Epic Systems Corp. (“Defendant” or “Epic”) and alleges as follows:

NATURE OF THE ACTION

1. This is a civil action for patent infringement of United States Patent No. 8,856,383 (‘383 Patent) under the patent laws of the United States, including 35 U.S.C. §§271 and 281-285.

PARTIES

2. Plaintiff SynKloud Technologies, LLC is a limited liability company organized and existing under the laws of the State of Texas and maintains its principal place of business at 305 E. Highland Drive, Suite 500, Austin, TX 78752.

3. Defendant Epic Systems Corp. is a Wisconsin corporation with its principal place of business located at 1979 Milky Way, Verona, Wisconsin 53593.

JURISDICTION AND VENUE

4. Pursuant to 28 U.S.C. §§ 1331 and 1338(a), this Court has original jurisdiction over the subject matter of this action because this is an action arising under the Patent Laws of the United States, 35 U.S.C. § 101 *et. seq.* and including 35 U.S.C. §§ 271 and 281-285

5. This court has personal jurisdiction over Defendant because infringing activity alleged herein took place in the State of Wisconsin. Further, the exercise of personal jurisdiction comports with Due Process under the United States Constitution.

6. Pursuant to 28 U.S.C. §§ 1391 and 1400(b), venue is proper in this district.

7. Defendant, directly and or through subsidiaries or intermediaries, has committed and continues to commit acts of infringement in this District by, among other things, offering to sell and selling products and/or services that infringe the asserted patents.

8. Defendant has a regular and established place of business in this District at 1979 Milky Way, Verona, WI, 53593.

GENERAL ALLEGATIONS

Defendant and its Products

9. Epic Systems Corporation is a privately held healthcare software company. According to Epic, hospitals that use its software held medical records of 78% of patients in the United States and more than 3% of patients worldwide in 2022.

10. One of Epic's principal products, MyChart, offers patients an online portal that connects patients with their physicians and their health records, including appointments, test results, prescriptions, and more.

COUNT I: INFRINGEMENT OF THE '383 PATENT

11. Plaintiff hereby restates the allegations contained in the preceding paragraphs above as if fully set forth herein.

12. On October 7, 2014, the U.S. Patent and Trademark Office duly and legally issued U.S. Patent No. 8,856,383, titled "Systems And Methods For Controlling Information And Use Of

Communications Devices Through A Central Server” The ‘383 Patent is attached here as Exhibit A.

13. Plaintiff SynKloud is the owner by assignment dated May 3, 2019 and recorded with the USPTO on May 10, 2019, of all rights, title, and interest in the ‘383 Patent, including the right to exclude others and to enforce, sue and recover damages for past and future infringement thereof.

14. Independent Claim 1 of the ‘383 Patent describes:

A method of updating information on one or more of a first party’s plurality of communications devices comprising:

establishing an individual user account for the first party on a call-processing system, the call-processing system being operably coupled to the first party’s plurality of communication devices; wherein updated information is processed by a central server;

granting a second party access to the first party’s account, wherein the second party comprises a caregiver associated with the first party and wherein access to the first party’s account is restricted to only persons granted authority by the first party or the second party;

receiving information from the second party at a central server of the call-processing system, wherein the information comprises device configuration parameters to be applied to current features of the one or more of the first party’s plurality of communication devices;

transmitting the information from the central server to one or more of the first party’s plurality of communication devices to update the information contained on one or more of the first party’s plurality of communication devices; wherein the central server initiates an alert on all or some of the first party’s linked communication devices to notify the first party of the updated information made at the central server;

wherein the first party’s plurality of communication devices are selected from the group consisting of corded telephones, cordless telephones, answering machines, cellular phones, personal digital assistants, desktop computers, laptop computers, wristwatches, pagers, and clock radios; and

wherein the device configuration parameters are selected from the group consisting of information regarding contacts, calendar events, reminders, alerts, ring or alert tones, volumes, snooze parameters, speed dial keys, and outgoing answering messages.

See ‘383 Patent , Col. 11, lines 6-41.

15. Defendant has been and is now directly infringing under 35 U.S.C. § 271 at least claim 1 of the '383 Patent by making, having had made, using, offering for sale, and selling its MyChart product. At a minimum, Defendant directly infringes the '383 Patent when it tests its products or when it provides cloud-based hosting to healthcare provider entities.

16. Defendant's aforesaid activities have been without authority or license from Plaintiff.

17. A claim chart attached as Exhibit B explains how Defendant has directly infringed claim 1 of the '383 Patent.

18. Defendant's acts of infringement have caused damage to Plaintiff. Plaintiff is entitled to recover from Defendant the damages sustained by Plaintiff as a result of Defendant's wrongful acts.

COUNT II: INDIRECT INFRINGEMENT OF THE '383 PATENT

19. Alternatively, Defendant has been and now is indirectly infringing as a contributory infringer under 35 U.S.C. § 271 at least claim 1 of the '383 Patent by making, having had made, using, offering for sale, and selling software that infringes the '383 Patent, knowing the same to be especially made or especially adopted for use in infringement of such patent.

20. Defendant infringes under 35 U.S.C. § 271(c) by contributing to infringement of the '383 Patent, literally or under the doctrine of equivalents, in this judicial district, and elsewhere in the United States, by, among other things, offering for sale, selling or importing the accused products, and/or advising, encouraging, and contributing so that others can use the methods claimed by the '383 Patent to the injury of Plaintiff.

21. The accused products which are provided by Defendant to its customers are designed specifically for use by its customers in an infringing manner as claimed in the '383 Patent.

If the functionality that is embodied in the '383 Patent were not present in the accused products sold by Defendant, then the products would not work as stated in Defendant's product literature.

22. Defendant further has infringed and infringes at least claim 1 of the '383 Patent under 35 U.S.C. § 271(b) by inducing infringement of at least claim 1 of the '383 Patent, literally or under the doctrine of equivalents, in this judicial district, and elsewhere in the United States, by, among other things, advising, encouraging, and/or otherwise inducing others to perform the steps claimed by the '383 Patent to the injury of Plaintiff.

23. Defendant's healthcare provider clients use the accused products as instructed by Defendant and, in doing so, complete all steps in at least claim 1 of the '383 Patent, making Defendant's healthcare provider clients direct infringers of the '383 Patent. Defendant specifically intended for its customers to infringe the '383 Patent because Defendant continues to advise, advertise, encourage, and provide to its customers accused products or instructions or manuals or product information on its website, or otherwise induce others, such that when the accused products are used, the customers necessarily use the methods claimed by the '383 Patent and infringe the '383 Patent to the injury of Plaintiff.

24. Since at least the filing of this complaint, Defendant has had knowledge of the '383 Patent, and by continuing the actions described above, have specific intent to induce infringement of the '383 Patent pursuant to 35 U.S.C. § 271(b), and have further contributed to said infringement of the '383 Patent by their customers by providing them with the accused products so that their customers directly infringe the '383 Patent pursuant to 35 U.S.C. § 271(c).

25. Defendant's aforesaid activities have been without authority or license from Plaintiff.

26. A claim chart attached as Exhibit B explains how the '383 Patent is infringed by use of Defendant's accused products.

27. Defendant's acts of infringement have caused damage to Plaintiff. Plaintiff is entitled to recover from Defendant the damages sustained by Plaintiff as a result of Defendant's wrongful acts.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests the Court:

A. Enter a judgment in favor of Plaintiff that Defendant has infringed U.S. Patent 8,856,383.

B. Enter a judgment and order requiring Defendant to pay Plaintiff damages, costs, expenses, prejudgment and post-judgment interest, and post-judgment royalties for Defendant's infringement of U.S. Patent 8,856,383 to the extent available pursuant to 35 U.S.C. § 284;

C. Enter a judgment and order holding that Defendant's infringement was willful, and award treble damages and attorney fees and expenses;

D. Enter judgment that this is an exceptional case, and, thus, award attorney fees and expenses to Plaintiff; and

E. Award such other and further relief as the Court deems just and proper.

JURY TRIAL

Plaintiff demands a trial by jury on all issues so triable.

Respectfully submitted,

Dated: January 17, 2024

s/Gregory J. Myers

Gregory J. Myers, MN #0287398

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