

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

Decapolis Systems, LLC,

Plaintiff,

v.

**Texas Retina Associates and Surgery
Partners, Inc.,**

Defendants.

Case No. 2:22-cv-00173

Jury Trial Demanded

ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

Decapolis Systems, LLC (“Plaintiff”) hereby files this Original Complaint for Patent Infringement against Texas Retina Associates (“TRA”) and Surgery Partners, Inc. (“SPI,” and collectively, “Defendants”), and alleges, upon information and belief, as follows:

THE PARTIES

1. Decapolis Systems, LLC is a limited liability company organized and existing under the laws of the State of Florida with its principal place of business at: Decapolis Systems, LLC, 600 S. Dixie Hwy, #605, West Palm Beach, Florida 33401.
2. Upon information and belief, Defendant Texas Retina Associates is a professional association organized and existing under the laws of the State of Texas with its principal place of business at 9600 N Central Expressway, Suite 100, Dallas, Texas 75231. On information and belief, Defendant may be served through its registered agent in the State of Texas: Jefferey T. Brockette at 9600 N. Central Expwy., Ste. 100, Dallas, Texas 75231.

3. Upon information and belief, Surgery Partners, Inc. is a domestic corporation organized and existing under the laws of Texas, with a principal place of business located at 40 Burton Hills Blvd, Suite 500, Nashville, Tennessee 37215. SPI may be served through its registered agent in the State of Texas, which is Corporation Service Company d/b/a CSC-Lawyers Incorporating Service Company, 211 E. 7th Street, Suite 620, Austin, Texas 78701.

JURISDICTION AND VENUE

4. This Court has subject matter jurisdiction over this case under 28 U.S.C. §§ 1331 and 1338.
5. This Court has personal jurisdiction over Defendants. Defendants have continuous and systematic business contacts with the State of Texas. Defendants transact business within this District and elsewhere in the State of Texas and has appointed an agent for service of process in Texas. Further, this Court has personal jurisdiction over Defendants based on their commission of one or more acts of infringement of Decapolis' Patents in this District and elsewhere in the State of Texas.
6. Defendants directly conduct business extensively throughout the State of Texas, by distributing, making, using, offering for sale, selling, and advertising (including the provision of interactive web pages; the provision and support of physician networks; the provision and support of customer accounts; and further including maintaining physical facilities) its services in the State of Texas and in this District. Defendants have purposefully and voluntarily made their business services, including the infringing systems and services, available to residents of this District and into the stream of commerce with the intention and expectation that they will be purchased and/or used by consumers in this District. On information and belief, Defendants are providers of: (i) health services, (ii) billing services;

(iii) physician and hospital account services; and/or (iv) patient records in electronic format, throughout the United States.

7. On information and belief, Defendants maintain physical brick-and-mortar business locations in the State of Texas and within this District, retain employees specifically in this District for the purpose of servicing customers in this District, and generate substantial revenues from their business activities in this District.
8. Venue is proper in the Eastern District of Texas as to Defendants pursuant to at least 28 U.S.C. §§ 1391(c)(2) and 1400(b). As noted above, Defendants maintain regular and established business presences in this District.

PATENTS-IN-SUIT

9. Plaintiff is the sole and exclusive owner, by assignment, of U.S. Patents 7,464,040 and 7,490,048 (hereinafter collectively referred to as “the Decapolis Patents”).
10. By written instruments duly filed with the United States Patent and Trademark Office, Decapolis is assigned all rights, title, and interest in the Decapolis Patents. *Id.* Such Assignments are recorded in the records of the United States Patent and Trademark Office at Reel 055516 and Frame 0027. As such, Plaintiff Decapolis Systems, LLC has sole and exclusive standing to assert the Decapolis Patents and to bring these causes of action.
11. The Decapolis Patents are valid, enforceable, and were duly issued in full compliance with Title 35 of the United States Code.
12. Raymond A. Joao is the sole named inventor for the Decapolis Patents.
13. Mr. Joao is a pioneering inventor. The Decapolis Patents represent substantial technological advancements in the medical billing services industry, which were unconventional at the time

of invention. Indeed, the Decapolis Patents have been back-cited in patents issued to well-known industry leaders, including: IBM, Siemens AG, Walgreens, McKesson, and Sony.

14. Additional companies have benefited from, and been provided notice through, their back-citations to the Decapolis Patents, including: Atirix Medical Systems, Inc.; IBM Corp.; Bard Peripheral Vascular, Inc.; General Electric Company; C.R. Bard, Inc.; Healthunity Corp., Epic Systems Corp.; Accelere, Inc.; Align Technology, Inc.; Siemens Aktiengesellschaft; Vital Data Technology, LLC; Hospira, Inc.; Medical Present Value, Inc.; PSYWARE GmbH; ICU Medical, Inc.; Elwha LLC; Advanced Healthcare Systems, Inc.; Quality Standards, LLC; Therap Services, LLC; and Devicor Medical Products, Inc.
15. The Decapolis Patents each include numerous claims defining distinct inventions. No single claim is representative of any other.
16. The priority date of each of the Decapolis Patents is at least as early as December 18, 1999. As of the priority date, the inventions as claimed were novel, non-obvious, unconventional, and non-routine. Indeed, the Decapolis Patents overcame a number of specific technological problems in the industry and provided specific technological solutions.
17. By way of example, as of the date of invention, “Doctors or providers may base their diagnoses and/or treatments, [relying on] patients who usually supply this information on questionnaires or forms just prior to seeing the healthcare provider and/or during a preliminary interview with the provider.” *See* U.S. Patent No. 7,464,040, Col. 1, ll. 52-6. As a result, the “information obtained from these questionnaires or forms, as well as from these preliminary interviews with the providers, may not necessarily result in sufficient, comprehensive, and/or accurate, information being obtained regarding the patient.” *Id.*, Col.1, ll. 56-60. Further, as of the date of invention: “there is no guarantee that the same

[patient medical history] information will be provided, in a uniform manner, to a next or different provider. As a result, patient information may not be uniformly distributed and/or be available to providers at the point of treatment and/or otherwise.” *Id.* “Another problem which exists in the current healthcare system is that doctors or other providers do not always have the latest information and/or research material available to them prior to, and/or during, the diagnosis and/or treatment process.” *Id.*, Col. 1, ll. 60-5.

18. Further, at the time of the invention, it had “been estimated that between 44,000 and 98,000 individuals die in the United States alone, as the result of errors or mistakes made by doctors, healthcare providers, and/or healthcare facility workers. There is no doubt that many of these deaths result from inaccurate and/or erroneous information and/or the lack of the availability of correct and/or up-to-date information.” *Id.*, Col. 1, ll. 43-49.
19. The Decapolis Patents overcame these technological problems by a method or apparatus wherein a “medical doctor will transmit [a] final diagnosis and treatment plan...to [a] central processing computer” and wherein “the central processing computer [sic] will then update the patient's records in the database [sic] so as to include all of the data and information described as being processed and/or generated by the central processing computer [sic], including, but not limited to the patient's symptoms, if any, the examination findings, the information contained in the diagnostic report and the treatment report, the final diagnosis and the prescribed treatment. Thereafter, operation [sic] will cease [sic]. The patient's records will then be updated and be available for the patient's next treatment and/or diagnosis.” *Id.*, Cols. 28, ll. 66-7 and Col. 29, ll. 10-2.
20. The claims of the Decapolis Patents are patent eligible under 35 U.S.C. § 101, 102, 103, and 112, as reflected by the fact that three different Patent Examiners all agreed and allowed the

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