

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

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THOMAS WALKER, M.D. and	:	
MARK MADDEN, M.D.,	:	
	:	CIV. ACTION NO.:
Plaintiffs,	:	
	:	
vs.	:	
	:	
ADVANCED DATA SYSTEMS	:	<b>COMPLAINT</b>
CORPORATION,	:	
	:	
Defendant.	:	<b>JURY TRIAL DEMANDED</b>
	:	
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Plaintiffs, THOMAS WALKER, M.D. and MARK MADDEN, M.D. (collectively, the “Plaintiffs”), hereby bring this Complaint for patent infringement against ADVANCED DATA SYSTEMS CORPORATION,(the “Defendant”), and allege as follows:

**PARTIES**

1. Plaintiff, THOMAS WALKER, M.D. (“Walker”) is a medical doctor residing at 10284 Johns Hollow Road, Vienna, Virginia 22182.
2. Plaintiff, MARK MADDEN, M.D. (“Madden”) is a medical doctor residing at 9463 Coral Crest Lane, Vienna, Virginia 22182.
3. On information and belief, Defendant, ADVANCED DATA SYSTEMS CORPORATION (“Advanced”) is a New Jersey corporation with its principal place of business at The ADS Building, 15 Prospect Street, Paramus, NJ 07652.
4. On information and belief, Defendant Advanced offers for sale electronic health records systems and patient encounter systems for use by medical service providers.

**JURISDICTION**

5. This action is for patent infringement under the Patent Laws of the United States of America, 35 U.S.C. §§1 *et seq.*, including 35 U.S.C. §271(a), (b), (c) and/or (f). This Court has subject matter jurisdiction under 28 U.S.C. §§1331 and 1338(a).

6. The Court has personal jurisdiction over the Defendant. Among other reasons, upon information and belief, Defendant Advanced has its principal office in this jurisdiction and has done business and continues to do business in this jurisdiction district.

7. Defendant has continuous and systematic contacts with this district, has committed and continues to commit acts of patent infringement in this judicial district, and has harmed and continues to harm Walker and Madden in this judicial district, by, among other things, selling and/or using infringing software in the judicial district.

8. Venue is proper pursuant to 28 U.S.C. §§1391 and 1400 because, among other reasons, Defendant is subject to personal jurisdiction and has committed acts of patent infringement in this judicial district.

**GENERAL ALLEGATIONS**

9. On January 27, 2004, U.S. Patent No. 6,684,276 (the “’276 Patent”) was issued by the United States Patent and Trademark Office (“USPTO”) for a patient encounter electronic medical record system, method and computer product. A copy of the ’276 Patent is attached hereto as Exhibit A.

10. Walker and Madden are the owners of the ’276 Patent and have the right to bring an action for infringement of the ’276 Patent.

11. On December 9, 2008, U.S. Patent 7,461,079 (the “’079 Patent”) was issued by the USPTO for a patient encounter electronic medical record system, method and computer product. A copy of the ’079 Patent is attached hereto as Exhibit B.

12. Walker and Madden are the inventors and owners of the ’079 Patent and have the right to bring an action for infringement of the ’079 Patent.

**COUNT I**  
**INFRINGEMENT OF THE ’276 PATENT**

13. Walker and Madden restate and reallege each of the allegations contained in paragraphs 1 through 12 of this Complaint as if fully set forth herein.

14. Infringement of the ’276 Patent by the Defendant has injured and continues to injure Walker and Madden.

**PRAYER FOR RELIEF**

**WHEREFORE**, Walker and Madden pray for judgment and relief as to Count I as follows:

A. Judgment that ADVANCED DATA SYSTEMS CORPORATION has infringed the ’276 Patent.

B. An award to Walker and Madden of enhanced damages against ADVANCED DATA SYSTEMS CORPORATION for the willful infringement of the ’276 Patent pursuant to 35 U.S.C. §284.

C. An award to Walker and Madden of its attorneys’ fees, costs, expert witness fees and expenses incurred by Walker and Madden in connection with this action pursuant to 35 U.S.C. §285.

D. Prejudgment and post-judgment interest; and

E. Any other and further relief as the Court deems equitable and appropriate.

**COUNT II**  
**INFRINGEMENT OF THE '079 PATENT**

15. Walker and Madden restate and reallege each of the allegations contained in paragraphs 1 through 14 of this Complaint as if fully set forth herein.

16. Infringement of the '079 Patent by the Defendant has injured and continues to injure Walker and Madden.

**PRAYER FOR RELIEF**

**WHEREFORE**, Walker and Madden pray for judgment and relief as to Count II as follows:

A. Judgment that ADVANCED DATA SYSTEMS CORPORATION has infringed the '079 Patent.

B. An award to Walker and Madden of enhanced damages against ADVANCED DATA SYSTEMS CORPORATION for the willful infringement of the '079 Patent pursuant to 35 U.S.C. §284.

C. An award to Walker and Madden of its attorneys' fees, costs, expert witness fees and expenses incurred by Walker and Madden in connection with this action pursuant to 35 U.S.C. §285.

D. Prejudgment and post-judgment interest; and

E. Any other and further relief as the Court deems equitable and appropriate.

**NOTICE OF OTHER ACTIONS**

Pursuant to Local Civil Rule 11.2, the undersigned herewith certifies that the matter in controversy is not the subject of any action pending in any court or of a pending arbitration proceeding and that no other action or arbitration proceeding is known to be contemplated, except that an action filed in this court by Plaintiffs, (Civ. Action No. 2:12-cv-02427-SDW-

MCA) seeks similar relief against Chartlogic, Inc. (a party unrelated to Defendant Advanced Data) and Chartlogic Inc.'s customer, Orthopaedic Sports Medicine and Rehabilitation Center P.A.. Chartlogic Inc. has previously filed a declaratory judgment action in the Federal District Court of Utah, (Civ. Action No. 2-12 CV 00150 OW), before the Hon. Clark Waddoups, U.S.D.J., seeking, inter alia, a judgment invalidating the patents at issue in this case. Plaintiffs in this action, Doctors Walker and Madden are Defendants in that action but dispute the personal jurisdiction of the Utah court.

**DEMAND FOR JURY TRIAL**

Plaintiffs Walker and Madden hereby demand a trial by jury on all issues so triable.

Dated: May 7, 2012

**CARUSO SMITH EDELL PICINI PC**  
Attorneys for Plaintiffs,  
THOMAS WALKER, M.D. and  
MICHAEL MADDEN, M.D.

By: /s/ Marc Z. Edell  
Marc Z. Edell