

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

ATHENAHEALTH, INC.,

Plaintiff,

v.

ADVANCEDMD SOFTWARE, INC.,

Defendant.

Civil Action No. \_\_\_\_\_

**COMPLAINT AND DEMAND FOR JURY TRIAL**

Plaintiff athenahealth, Inc. (“Plaintiff” or “Athena”), for its complaint against Defendant AdvancedMD Software, Inc. (“Defendant” or “AdvancedMD”), alleges as follows:

**THE PARTIES**

1. Athena is a Delaware corporation with a place of business at 311 Arsenal Street in Watertown, Massachusetts 02472.

2. Upon information and belief AdvancedMD is a Delaware corporation with a place of business at 10876 South River Front Parkway, Suite 400 in South Jordan, Utah 84095.

**FACTUAL BACKGROUND**

3. Athena is a leading provider of web-based services and software for optimizing medical practice management, including, among other services, medical practice billing and revenue cycle management.

4. Athena owns all right, title and interest in U.S. Patent No. 7,617,116 (“the ‘116 patent”) for Practice Management and Billing Automation System.

5. A copy of the ‘116 patent was issued by the United States Patent and Trademark Office on November 10, 2009 and is attached hereto as Exhibit A.

6. Athena owns all right, title and interest in U.S. Patent No. 7,720,701 (“the ‘701 patent”) for Automated Configuration of Medical Practice Management Systems.

7. A copy of the ‘701 patent was issued by the United States Patent and Trademark Office on May 18, 2010 and is attached hereto as Exhibit B.

8. AdvancedMD competes directly with Athena in providing medical practice management and billing and revenue cycle management software and associated services to physicians and medical practice managers.

9. AdvancedMD’s activities constitute infringement of Athena’s ‘116 and ‘701 patents.

### **JURISDICTION AND VENUE**

10. This is an action for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code.

11. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338.

12. This Court has personal jurisdiction over AdvancedMD, which on information and belief does business in this District, including the infringing activities recited below.

13. Venue in this District is proper pursuant to 28 U.S.C. §§ 1391 and 1400.

### **COUNT ONE**

(Infringement of U.S. Patent No. 7,617,116)

14. Athena repeats and re-alleges the allegations in the paragraphs above as if fully set forth herein.

15. AdvancedMD makes, uses, offers to sell and sells products and/or services such as AdvancedMD's Electronic Health Record Software, Practice Management Software, and Medical Billing (RCM) Software, which constitute computerized medical practice management and automated medical billing systems.

16. AdvancedMD has infringed, literally or under the doctrine of equivalents, the '116 patent at least by making, using, offering to sell and selling AdvancedMD Software products and/or services such as Electronic Health Record Software, Practice Management Software, and Medical Billing (RCM) Software.

17. AdvancedMD continues to infringe the '116 patent through the aforementioned activities.

18. AdvancedMD's infringement of the '116 patent has caused Athena, and continues to cause Athena, to suffer substantial damages.

19. AdvancedMD's infringement of the '116 patent has caused Athena, and unless enjoined by the Court, will continue to cause Athena, irreparable harm for which there is no adequate remedy at law.

## **COUNT TWO**

(Infringement of U.S. Patent No. 7,720,701)

20. Athena repeats and re-alleges the allegations in the paragraphs above as if fully set forth herein.

21. AdvancedMD has infringed, literally or under the doctrine of equivalents, the '701 patent at least by making, using, offering to sell and selling AdvancedMD Software products and/or services such as Electronic Health Record Software, Practice Management Software, and Medical Billing (RCM) Software.

22. AdvancedMD continues to infringe the '701 patent through the aforementioned activities.

23. AdvancedMD's infringement of the '701 patent has caused Athena, and continues to cause Athena, to suffer substantial damages.

24. AdvancedMD's infringement of the '701 patent has caused Athena, and unless enjoined by the Court, will continue to cause Athena, irreparable harm for which there is no adequate remedy at law.

**RELIEF REQUESTED**

WHEREFORE, Athena requests that this Court:

- A. Enter judgment that AdvancedMD has infringed the '116 and '701 patents;
- B. Enter a permanent injunction enjoining AdvancedMD and its affiliates, subsidiaries, officers, directors, employees, agents, representatives, licensees, successors, assigns, and all those acting for it or on its behalf, or acting in concert or privity with it, from further infringement of the '116 and '701 patents;
- C. Award Athena compensatory damages under 35 U.S.C. § 284;
- D. Award Athena its reasonable attorneys fees pursuant to 35 U.S.C. § 285 or other applicable law;
- E. Award Athena its costs and prejudgment and post-judgment interest pursuant to 35 U.S.C. § 284 or other applicable law; and
- F. Award Athena such other relief as the Court deems just and proper.

**JURY TRIAL DEMANDED**

Athena demands a jury trial on all issues so triable.

ATHENAHEALTH, INC.

By its attorneys,

Dated: July 18, 2011

/s/ Michael N. Rader

Michael N. Rader (BBO # 646990)

[mrader@wolfgreenfield.com](mailto:mrader@wolfgreenfield.com)

Allen S. Rugg (BBO # 674484)

[arugg@wolfgreenfield.com](mailto:arugg@wolfgreenfield.com)

Chelsea A. Loughran (BBO # 672017)

[cloughran@wolfgreenfield.com](mailto:cloughran@wolfgreenfield.com)

WOLF, GREENFIELD & SACKS, P.C.

600 Atlantic Avenue

Boston, MA 02210

Tel: (617) 646-8000

Fax: (617) 646-8646