

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

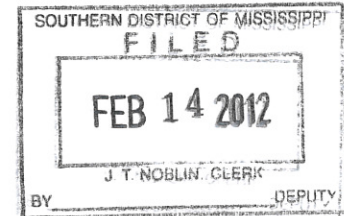
EMTEL, INC.

PLAINTIFF

V.

CIVIL ACTION NO. 3:12CV100TSL-MTP

COASTAL FAMILY HEALTH CENTER, INC.,
PIONEER HEALTH SERVICES, INC., PIONEER
HEALTH SERVICES OF NEWTON, LLC,
PATIENT'S CHOICE MEDICAL CENTER
OF CLAIBORNE, COUNTY, LLC, PERRY
COUNTY GENERAL HOSPITAL, LLC,
QUITMAN COUNTY HOSPITAL LLC,
QUITMAN COUNTY HOSPITAL HOLDINGS,
LLC, RUSH HEALTH SYSTEMS, INC., SCOTT
REGIONAL MEDICAL CENTER, INC.,
DR. ROBERT GALLI, DR. JOHN MCCARTER,
and DR. JAMES E. KEETON



DEFENDANTS

COMPLAINT

COMES NOW, EMTEL, Inc. ("EMTEL") by and through counsel and files its Complaint against the below referenced parties and in support thereof would show unto the Court the following:

PARTIES

1. Emtel is a corporation organized and existing under the laws of the state of Texas, and having its principal place of business in Houston, Texas.

2. Upon information and belief, Defendant Coastal Family Health Center, Inc. ("Coastal") is a corporation organized and existing under the laws of the state of Mississippi and having its principal place of business in Biloxi, Mississippi. Defendant Coastal may be served with process by serving its registered agent, Karlyn M. Stephens, 424 Charters St., Biloxi, MS, or wherever he or she may be found.

3. Upon information and belief, Defendant Pioneer Health Services, Inc. ("Pioneer") is a corporation organized and existing under the laws of the state of Mississippi and having its

principal place of business in Magee, Mississippi. Defendant Pioneer may be served with process by serving its registered agent, Keely R. McNulty, 119 1st St., SE, P.O. Box 376, Magee, MS 39111, or wherever he or she may be found.

4. Upon information and belief, Defendant Pioneer Health Services of Newton, LLC, ("Pioneer Newton") is a limited liability company organized and existing under the laws of the state of Mississippi and having its principal place of business in Magee, Mississippi. Defendant Pioneer Newton may be served with process by serving its registered agent, Keely R. McNulty, 119 1st St., SE, P.O. Box 376, Magee, MS 39111, or wherever he or she may be found.

5. Upon information and belief, Defendant Patient's Choice Medical Center of Claiborne County, LLC ("Patient's Choice") is a limited liability company organized and existing under the laws of the state of Mississippi and having its principal place of business in Port Gibson, Mississippi. Defendant Patient's Choice may be served with process by serving its registered agent, Ray Schoemaker, 2553 Main Street, P. O. Box 489, Plantersville, MS 38862, or wherever he or she may be found.

6. Upon information and belief, Defendant Perry County General Hospital, LLC ("Perry") is a limited liability company organized and existing under the laws of the state of Mississippi and having its principal place of business in Richton, Mississippi. Defendant Perry may be served with process by serving its registered agent, John David Paris, 206 Bay Ave., P. O. Box 1665, Richton, MS 39476, or wherever he or she may be found.

7. Upon information and belief, Defendant Quitman County Hospital LLC, ("Quitman") is a limited liability company organized and existing under the laws of the state of Mississippi and having its principal place of business in Marks, Mississippi. Defendant Quitman

may be served with process by serving its registered agent, Vikki P. Goodwin, 1022 Martin Luther King Dr., P. O. Box 289, Marks, MS 38646-0289, or wherever he or she may be found.

8. Upon information and belief, Defendant Quitman County Hospital Holdings, LLC (“Quitman Holdings”) is a limited liability company organized and existing under the laws of the state of Mississippi and having its principal place of business in Marks, Mississippi. Defendant Quitman Holdings may be served with process by serving its registered agent, Vikki P. Goodwin, 1022 Martin Luther King Dr., P. O. Box 289, Marks, MS 38646-0289, or wherever he or she may be found.

9. Upon information and belief, Defendant Rush Health Systems, Inc. (“Rush”) is a corporation organized and existing under the laws of the state of Mississippi and having its principal place of business in Meridian, Mississippi. Defendant Rush may be served with process by serving its registered agent, Rick Barry, 505 Constitution Ave., P. O. Box 2009, Meridian, MS 39301, or wherever he or she may be found.

10. Upon information and belief, Defendant Scott Regional Medical Center, Inc. (“Scott”) is a corporation organized and existing under the laws of the state of Mississippi and having its principal place of business in Meridian, Mississippi. Defendant Scott may be served with process by serving its registered agent, Rick Barry, 505 Constitution Ave., P. O. Box 2009, Meridian, MS 39301, or wherever he or she may be found.

11. Defendant Dr. Robert Galli, Executive Director of the University of Mississippi Medical Center TelEmergency Program, an individual and a citizen of the state of Mississippi, can be served with process at 418 Rock Hill Circle, Madison, Mississippi 39110-9539.

12. Defendant Dr. John McCarter, Medical Director of the University of Mississippi Medical Center TelEmergency Program, an individual and a citizen of the state of Mississippi, can be served with process at 60 Chestnut Dr., Madison, Mississippi 39110-9664.

13. Defendant Dr. James E. Keeton, Chief Executive Officer of the University of Mississippi Medical Center, an individual and citizen of the state of Mississippi, can be served with process at 1333 Belvoir Place, Jackson, Mississippi 39202-1208.

JURISDICTION AND VENUE

14. This action arises under the patent laws of the United States, United States Code Title 35. Jurisdiction and venue are predicated upon United States Code Title 28, Sections 1338 and 1400.

FACTS AND BACKGROUND

15. Emtel is an emergency medicine innovator. It has developed a superior telemedicine services method, which includes these features:

- a physician at a central station (a hub);
- at least two remote stations with a patient at each linked by video teleconferencing to the hub; and
- the physician at the hub with the ability to generally contemporaneously diagnose a medical condition of or otherwise aid the remote patients.

16. To protect its investment in the development of this method, Emtel applied for a United States patent on March 17, 2000, and filed a continuation application on March 25, 2003. These applications were filed in the name of the inventor and assigned to Emtel.

17. The United States Patent and Trademark Office (“PTO”) allowed the continuation application and issued it as U.S. Patent 7,129,970 on October 31, 2006. On April 12, 2011, the PTO reissued that patent as RE42,288. *See* Exhibit A attached.

18. Emtel is and at all relevant times has been the owner of all the right, title, and interest in and to the invention of and the patent rights of the RE42,288 patent.

19. Defendants are using, selling, and offering to sell, directly and by actively inducing, methods and systems that infringe the RE42288 patent within this district and elsewhere.

20. In particular, the University of Mississippi Medical Center (“UMMC”) has a telemergency program that connects emergency care physicians at its Jackson offices to nurse practitioners and patients at about 15 different remote facilities through T-1 lines, or the like, using video cameras and audio equipment. Defendants Coastal, Pioneer and/or Pioneer Newton, Patient’s Choice, Perry, Quitman and/or Quitman Holdings, and Rush and/or Scott (the “Hospital Defendants”) are among the 15 remote facilities. They are, therefore, direct and contributing infringers as relates to UMMC’s direct infringement. They are also themselves direct infringers of the system and arrangement claims. Defendants Drs. Galli, McCarter, and Keeton are responsible for UMMC’s infringement.

COUNT I

PATENT INFRINGEMENT

21. Emtel repeats and realleges paragraphs 1 through 20 of this Complaint as if fully set forth herein.

22. On information and belief, Defendants have infringed the RE42,288 patent since issuance by using, selling, or offering to sell, or actively inducing same, methods covered by the claims of the RE42,288 patent in the United States.

23. As a result of Defendants’ acts, Emtel has been damaged.

24. A jury trial is demanded on all issues so triable pursuant to Federal Rule of Civil Procedure 38.

Therefore, Emtel prays for:

A finding by this Court that Defendants have infringed the RE42,288 patent;

An award against the Hospital Defendants for the damages Emtel suffered as a result of Defendants’ acts of infringement with pre-judgment interest thereon;

An award to Emtel of attorney’s fees, costs, and expenses in this action;

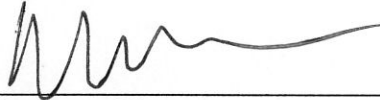
An award against Defendants of treble damages if Defendants' acts are found to be willful;

A permanent injunction against all Defendants; and

This Court grant such other and further relief as this Court may deem just.

This the 14th day of February, 2012.

Respectfully submitted,



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