

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

UNILOC 2017 LLC,

Plaintiff,

v.

ATHENAHEALTH, INC.,

Defendant.

Civil Action No. 1:19-cv-11278-RGS

**AMENDED COMPLAINT**

Plaintiff, Uniloc 2017 LLC (“Uniloc), for its Amended Complaint against defendant, athenahealth, Inc. (“Athenahealth”), alleges:

**THE PARTIES**

1. Uniloc is a Delaware limited liability company.
2. Athenahealth is a Delaware corporation having a principal place of business in Watertown, Massachusetts.

**JURISDICTION**

3. Uniloc brings this action for patent infringement under the patent laws of the United States, 35 U.S.C. § 271, *et seq.* This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

**COUNT I**

(INFRINGEMENT OF U.S. PATENT NO. 6,324,578)

4. Uniloc incorporates paragraphs 1-3 above by reference.
5. Uniloc is the owner, by assignment, of U.S. Patent No. 6,324,578 (“the ’578 Patent”), entitled METHODS, SYSTEMS AND COMPUTER PROGRAM PRODUCTS FOR MANAGEMENT OF CONFIGURABLE APPLICATION PROGRAMS ON A NETWORK,

which issued on November 27, 2001 on an application filed on December 14, 1998. A copy of the '578 Patent was attached as Exhibit A to the Complaint.

6. Athenahealth operated a centrally hosted Content Distribution Network known as athenaNet.

7. Athenahealth infringed claims of the '578 Patent by making, using, offering for sale, and selling the athenaNet system, as further detailed in the attached Exhibit C.

8. Athenahealth also infringed the '578 Patent by actively inducing the use of the athenaNet system. Athenahealth's customers who used the athenaNet system as Athenahealth instructed infringed at least claims 15, 31, and 46 of the '578 patent. Athenahealth intentionally instructed its users to infringe, with knowledge they were infringing, by providing instructions with its athenaNet system.

9. Athenahealth also infringed the '578 patent by offering to sell, selling, or otherwise commercializing the athenaNet system, which was used to infringe the '578 Patent, and constituted a material part of the invention. Athenahealth knew portions of the software in the athenaNet system that provide the infringing functionality were especially written solely for use to implement what it knew was infringement of the '578 Patent, as described above. Athenahealth also knew those portions had no use, other than for infringement.

10. Athenahealth has been on notice of the '578 Patent since, at the latest, the service of the complaint upon Athenahealth on May 17, 2017, in the previous action between Uniloc and Athenahealth in the Eastern District of Texas. Athenahealth has known and intended (since receiving such notice) that its continued actions would actively induce and contribute to infringement of the '578 Patent.

11. Athenahealth may have infringed the '578 Patent through other software and architecture utilizing the same or reasonably similar functionality, including other versions of the athenaNet system.

12. Uniloc has been damaged by Athenahealth's infringement of the '578 Patent.

**COUNT II**  
(INFRINGEMENT OF U.S. PATENT NO. 7,069,293)

13. Uniloc incorporates by reference paragraphs 1-12 above.

14. Uniloc is the owner, by assignment, of U.S. Patent No. 7,069,293 ("the '293 Patent"), entitled METHODS, SYSTEMS AND COMPUTER PROGRAM PRODUCTS FOR MANAGEMENT OF APPLICATION PROGRAMS TO A TARGET STATION ON A NETWORK, which issued on June 27, 2006, claiming priority to an application filed on December 14, 1998. A copy of the '293 Patent was attached as Exhibit B to the Complaint.

15. Athenahealth has infringed, and continues to infringe, claims of the '293 Patent by making, using, offering for sale, or selling the athenaNet system, as further detailed in the attached Exhibit D.

16. Athenahealth has been on notice of the '293 Patent since, at the latest, the service of the complaint upon Athenahealth on May 17, 2017 in a previous action between Uniloc and Athenahealth in the Eastern District of Texas. By the time of trial, Athenahealth will have known and intended (since receiving such notice) that its continued actions would infringe the '293 Patent.

17. Athenahealth may have infringed the '293 Patent through other software and architecture utilizing the same or reasonably similar functionality, including other versions of the athenaNet system.

18. Uniloc has been damaged by Athenahealth's infringement of the '293 Patent.

**PRAYER FOR RELIEF**

Uniloc requests that the Court enter judgment against Athenahealth:

- (A) that Athenahealth has infringed the '578 Patent and the '293 Patent;
- (B) awarding Uniloc its damages suffered as a result of Athenahealth's infringement of the '578 Patent and the '293 Patent;
- (C) awarding Uniloc its costs, attorneys' fees, expenses, and interest, and
- (D) granting Uniloc such further relief as the Court may deem proper.

Date: September 13, 2019

Respectfully submitted,

/s/ James J. Foster

Paul J. Hayes  
James J. Foster  
Kevin Gannon  
PRINCE LOBEL TYE LLP  
One International Place, Suite 3700  
Boston, MA 02110  
Tel: (617) 456-8000  
Fax: (617) 456-8100  
Email: phayes@princelobel.com  
Email: jfoster@princelobel.com  
Email: kgannon@princelobel.com

**ATTORNEYS FOR THE PLAINTIFF**

**CERTIFICATE OF SERVICE**

I certify that all counsel of record who have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system on September 13, 2019.

/s/ James J. Foster