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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

COGENT MEDICINE INC.,

Plaintiff,

v.

EBSCO INDUSTRIES INC. d/b/a EBSCO  
INFORMATION SERVICES,

Defendant.

Case No.

**COMPLAINT FOR PATENT  
INFRINGEMENT**

**DEMAND FOR JURY TRIAL**

**Date: September 27, 2013**

1 Plaintiff Cogent Medicine Inc. states its complaint against Defendant Ebsco  
2 Industries, Inc. d/b/a Ebsco Information Services, and alleges as follows:

3 **THE PARTIES**

4 1. Plaintiff Cogent Medicine Inc. (“Plaintiff” or “Cogent”) is a corporation  
5 organized and existing under the laws of the State of Delaware, with its principal place of  
6 business at 4104 24<sup>th</sup> St., Suite 402, San Francisco, CA 94114.

7 2. Defendant Ebsco Industries, Inc. d/b/a Ebsco Information Services  
8 (“Defendant”) is a corporation organized and existing under the laws of the State of  
9 Delaware, with its principal place of business at 10 Estes Street, Ipswich, MA 01938.

10 **JURISDICTION AND VENUE**

11 3. Plaintiff realleges and incorporates by reference paragraphs the above  
12 paragraphs of this Complaint, inclusive, as though fully set forth herein.

13 4. This action is for patent infringement pursuant to the patent laws of the United  
14 States, 35 U.S.C. §§ 1, *et seq.* This Court has subject matter jurisdiction over the action  
15 pursuant to 28 U.S.C. §§ 1331 and 1338(a).

16 5. Personal jurisdiction exists generally over Defendant because it has sufficient  
17 minimum contacts with the forum as a result of business conducted within the State of  
18 California and within the Northern District of California. Personal jurisdiction also exists  
19 specifically over Defendant because it, directly or through subsidiaries or intermediaries,  
20 makes, uses, offers for sale, sells, imports, advertises, makes available and/or markets one or  
21 more products and/or services within the State of California, and more particularly, within  
22 the Northern District of California, that infringe the patent-in-suit, as described more  
23 particularly below.

24 6. Venue is proper in the Northern District of California pursuant to 28 U.S.C. §§  
25 1391 and 1400(b), because Defendant has committed acts of infringement in the Northern  
26 District of California and has transacted business in the Northern District of California.

**CLAIM FOR RELIEF**  
**(Infringement of United States Patent No. 7,133,879)**

7. Plaintiff realleges and incorporates by reference the above paragraphs of this Complaint, inclusive, as though fully set forth herein.

8. Plaintiff is the owner of all right, title, and interest in United States Patent No. 7,133,879, entitled "Personalized Library Interface for Providing Data to a User," duly and legally issued by the United States Patent and Trademark Office on November 7, 2006 (the "'879 patent"). A true and correct copy of the '879 patent is attached hereto as Exhibit A.

9. The '879 patent generally describes and claims a computer-implemented method for providing users with a personal library interface containing medical literature. In the method of claim 1 of the '879 patent, one or more search strategies directed toward medical literature in data folders are accepted from users and stored. Further, user requests to view medical information are accepted and, based on said requests, medical information having been preselected by a specialist and placed in data folders is selectively provided to the user. The medical information provided, which corresponds to the saved search strategies directed toward medical literature, is either added to one or more data sets since the last time the user accessed the data sets or is not limited in time. Claims 2-21 of the '879 patent describe various other methods and a system of personalized library interface for providing users with medical data.

10. Defendant has infringed and continues to infringe, literally and/or under the doctrine of equivalents, one or more claims of the '879 patent under 35 U.S.C. § 271 by making, using, offering to sell, selling, and/or importing into the United States the patented invention within the United States. Specifically, Defendant has infringed and continues to infringe the '879 patent by making, using, offering to sell, selling, and/or importing into the United States the Dynamed product and service, accessible through at least <https://dynamed.ebscohost.com/>.

11. As a result of Defendant's infringing activities with respect to the '879 patent, Plaintiff has suffered damages in an amount not yet ascertained. Plaintiff is entitled to

1 recover damages adequate to compensate it for Defendant's infringing activities in an  
2 amount to be determined at trial, but in no event less than reasonable royalties, together with  
3 interest and costs. Defendant's infringement of Plaintiff's exclusive rights under the '879  
4 patent will continue to damage Plaintiff, causing irreparable harm for which there is no  
5 adequate remedy at law, unless enjoined by this Court.

6 **PRAYER FOR RELIEF**

7 WHEREFORE, Plaintiff requests entry of judgment in its favor against Defendant as  
8 follows:

9 a) For a declaration that Defendant has infringed, directly and/or indirectly, the  
10 '879 patent;

11 b) For an award of damages adequate to compensate Plaintiff for Defendant's  
12 infringement of the '879 patent, but in no event less than a reasonable royalty, together with  
13 prejudgment and post-judgment interest and costs, in an amount according to proof;

14 c) For an entry of a permanent injunction enjoining Defendant, and its  
15 respective officers, agents, employees, and those acting in privity, from further  
16 infringement, including contributory infringement and/or inducing infringement, of the '879  
17 patent, or in the alternative, awarding a royalty for post-judgment infringement; and

18 d) For an award to Plaintiff of such other costs and further relief as the Court  
19 may deem just and proper.  
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Dated: September 27, 2013

**GUTRIDE SAFIER LLP**

Attorneys for Cogent Medicine Inc.