

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

BILLINGNETWORK PATENT, INC.,

Plaintiff,

v.

ELECTRONIC NETWORK SYSTEMS,
INC. and INGENIX, INC.

Defendants.

Civil Action No. 09 CV 04690

Judge James B. Zagel

JURY TRIAL DEMANDED

AMENDED COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Billingnetwork Patent, Inc. ("BNP") complains of Defendants, Electronic Network Systems, Inc. and Ingenix, Inc. ("Ingenix") (collectively "Defendants") as follows:

PARTIES, JURISDICTION, AND VENUE

1. This is a claim for patent infringement that arises under the patent laws of the United States, Title 35 of the United States Code. This Court has original jurisdiction over the subject matter of this claim under 28 U.S.C. §§ 1331 and 1338(a).

2. Billingnetwork Patent, Inc. is a Florida corporation that has a principal place of business at 440 N Wells Suite 750 Chicago, IL 60654.

3. The patent-in-suit is U.S. Patent No. 6,374,229 entitled "Integrated Internet Facilitated Billing, Data Processing and Communication System," which issued on April 16, 2002 ("the '229 Patent," Exhibit A).

4. On October 22, 2006, the '229 Patent was assigned to BNP. Hence, BNP owns and has all right, title and interest in the '229 Patent, including all claims for damages of past, present and future infringement, with the right to sue for and collect

damages for the same and therefore has standing to sue for infringement of the '229 Patent and to enjoin ongoing and future infringements thereof.

5. Electronic Network Systems, Inc. ("ENS") is a Delaware corporation with its principal place of business at 1755 Telstar Drive, Suite 400, Colorado Springs, CO 80920. ENS operates and conducts business through the website www.enshealth.com. On information and belief, ENS designs, develops, offers for sale and sells products, systems and services that are covered by the claims of the '229 Patent nationwide, including this judicial district.

6. Ingenix, Inc. ("Ingenix") is a Delaware corporation with its principal place of business at 100 South 5th Street #1075, Minneapolis, MN 55402. Ingenix operates and conducts business through the website www.ingenix.com. Ingenix is registered to do business in the state of Illinois as Ingenix, Inc. On information and belief, Ingenix designs, develops, offers for sale and sells products, systems and services that are covered by the claims of the '229 Patent nationwide, including this judicial district.

7. ENS is a wholly owned subsidiary of Ingenix.

8. Venue is proper in this district under 28 U.S.C. § 1400(b) because the Defendants are subject to personal jurisdiction here and, upon information and belief, do business and have committed acts of infringement in this judicial district.

PATENT INFRINGEMENT

9. The '229 Patent relates to a system for billing, data processing and communication.

10. ENS has infringed the claims of the '229 Patent at least by making, using, importing, selling or offering to sell and by inducing, aiding and abetting, encouraging or contributing to others' use of, at least its ENS Health-e Claim System.

11. Ingenix has infringed the claims of the '229 Patent at least by making, using, importing, selling or offering to sell and by inducing, aiding and abetting, encouraging or contributing to others' use of, at least its CareTracker PM System and Transaction Exchange - Claims Exchange.

12. Upon information and belief, ENS offers for sale and sells its infringing Health-e Claim System on its website www.enshealth.com. Recently, however, ENS changed its website so that when one visits the www.enshealth.com website one is taken directly to the www.ingenix.com website. Accordingly, while ENS is a business in good standing in the state of Delaware, ENS appears to now be representing that it is only doing business as Ingenix.

13. Despite receiving respective notices, the Defendants have each infringed and continue to infringe at least Claim 1 of the '229 Patent by knowingly and actively inducing others to infringe, contributing to the infringement of others and/or aiding and abetting users' direct infringement through the use each of the Defendant's respective services. The Defendants had knowledge of the '229 Patent at the time they committed these acts of infringement and acted with the specific intent to induce, contribute to and/or aid and abet users' infringement.

14. Each Defendant's knowing and intentional inducement to infringe, contributory infringement, and aiding and abetting of users' direct infringement through the use of its respective services has injured BNP and BNP is entitled to recover

damages adequate to compensate it for such infringement, but in no event less than a reasonable royalty.

15. Each Defendant's infringing activities have injured and will continue to injure BNP unless and until this Court enters an injunction prohibiting further infringement and, specifically, enjoining further inducement to infringe, contributory infringement, and aiding and abetting of users' direct infringement of the '229 Patent.

WHEREFORE, Plaintiff BNP respectfully asks this Court to enter a judgment in favor of BNP and against each of the Defendants, Electronic Network Systems, Inc. and Ingenix, Inc.;

a. An award of damages adequate to compensate BNP for the infringement that has occurred, but in no event less than a reasonable royalty as permitted by 35 U.S.C. § 284, together with prejudgment interest from the date the infringement began;

b. A finding that this case is exceptional and an award to BNP of its reasonable attorneys' fees and costs as provided by 35 U.S.C. § 285;

c. A permanent injunction prohibiting further infringement, inducement to infringe and/or contributory infringement of the '229 Patent; and,

d. Such other relief that BNP is entitled to under law, and any other and further relief that this Court or a jury may deem just and proper.

JURY DEMAND

BNP demands a trial by jury on all issues presented in this Complaint.

Respectfully submitted,

/s/ Anna B. Folgers

Timothy J. Haller

Anna B. Folgers

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CERTIFICATE OF SERVICE

On Monday, March 15, 2010, I caused the foregoing **AMENDED COMPLAINT FOR PATENT INFRINGEMENT** to be served upon the below-listed counsel of record via electronic transmission and first class mail:

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