

ATIN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

ATHENAHEALTH, INC.,

Plaintiff,

v.

CARECLOUD CORPORATION,

Defendant.

Civil Action No. 1:13-cv-10794

COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiff athenahealth, Inc. (“Athena”), for its complaint against Defendant, CareCloud Corporation (“CareCloud”), alleges:

THE PARTIES

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

2. CareCloud is a Delaware corporation with its principal place of business at 5200 Blue Lagoon Dr., Suite 900, Miami, FL 33126.

JURISDICTION AND VENUE

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

4. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338.

5. This Court has personal jurisdiction over CareCloud, which on information and belief, maintains, or has engaged in active preparations to maintain, a place of business at 27-43 Wormwood St., Boston, MA 02210, and does business in this District, including the infringing activities recited below.

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

CLAIM FOR PATENT INFRINGEMENT

7. 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.

8. Athena owns U.S. Patent No. 7,617,116 (“the ‘116 patent”) for Practice Management and Billing Automation System.

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

10. CareCloud competes with Athena in providing medical practice management and billing and revenue cycle management software and associated services to physicians and medical practice managers.

11. CareCloud makes, uses, offers to sell and sells products and services, including at least CareCloud’s Central and Concierge products, that constitute a computerized medical practice management and automated medical billing system.

12. CareCloud has infringed and continues to infringe the ‘116 patent by making, using, offering to sell and selling CareCloud software products and services, including at least CloudCare’s Central and Concierge products.

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

14. CareCloud'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.

RELIEF REQUESTED

WHEREFORE, Athena requests that this Court:

- A. Enter judgment that CareCloud has infringed the '116 patent;
- B. Enter a permanent injunction enjoining CareCloud 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 patent;
- 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 interest; 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: April 5, 2013

/s/ Michael N. Rader

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