

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

UNILOC USA, INC. and	§	
UNILOC LUXEMBOURG, S.A.,	§	Civil Action No. 2:16-cv-744
	§	
Plaintiffs,	§	
	§	
v.	§	PATENT CASE
	§	
SALESFORCE.COM, INC.,	§	
	§	
Defendant.	§	JURY TRIAL DEMANDED

ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

Plaintiffs, Uniloc USA, Inc. and Uniloc Luxembourg, S.A. (together “Uniloc”), as and for their complaint against defendant, Salesforce.com, Inc. (“Salesforce”), allege as follows:

THE PARTIES

1. Uniloc USA, Inc. (“Uniloc USA”) is a Texas corporation having a principal place of business at Legacy Town Center I, Suite 380, 7160 Dallas Parkway, Plano Texas 75024. Uniloc also maintains a place of business at 102 N. College, Suite 603, Tyler, Texas 75702.

2. Uniloc Luxembourg S.A. (“Uniloc Luxembourg”) is a Luxembourg public limited liability company having a principal place of business at 15, Rue Edward Steichen, 4th Floor, L-2540, Luxembourg (R.C.S. Luxembourg B159161).

3. Uniloc Luxembourg owns a number of patents in the field of application management in a computer network.

4. Upon information and belief, Salesforce is a Delaware corporation having a principal place of business in San Francisco, California and offering its products, including those

accused herein of infringement, to customers and/or potential customers located in Texas and in the judicial Eastern District of Texas. Salesforce may be served with process through its registered agent in Texas: CT Corporation System, 1999 Bryan Street, Suite 900, Dallas, Texas 75201.

JURISDICTION AND VENUE

5. 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 pursuant to 28 U.S.C. §§ 1331, 1338(a) and 1367.

6. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391(c) and 1400(b). Upon information and belief, Salesforce is deemed to reside in this judicial district, has committed acts of infringement in this judicial district, and/or has purposely transacted business involving the accused products in this judicial district, including sales to one or more customers in Texas.

7. Salesforce is subject to this Court's jurisdiction pursuant to due process and/or the Texas Long Arm Statute due at least to its substantial business in this State and judicial district, including: (A) at least part of its past infringing activities, (B) regularly doing or soliciting business in Texas and/or (C) engaging in persistent conduct and/or deriving substantial revenue from goods and services provided to customers in Texas.

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

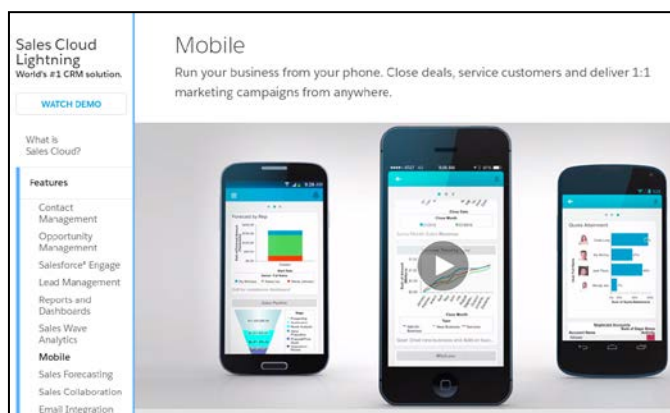
8. Uniloc incorporates paragraphs 1-7 above by reference.

9. Uniloc Luxembourg 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 that issued on November 27, 2001. A true and correct copy of the '578 Patent is attached as Exhibit A hereto.

10. Uniloc USA is the exclusive licensee of the '578 Patent with ownership of all substantial rights therein, including the right to grant sublicenses, to exclude others, and to enforce, sue and recover past damages for the infringement thereof.

11. Upon information and belief, the following describes, at least in part, how Salesforce's software distribution and management system works:



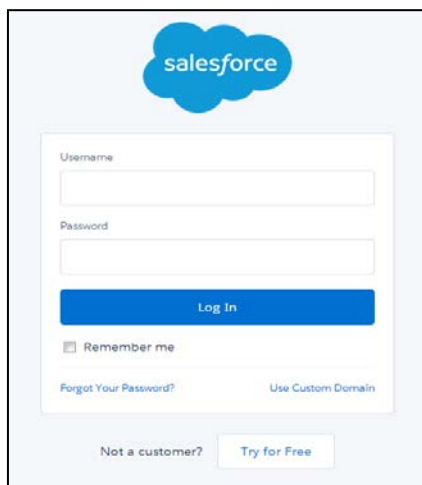
12. Upon information and belief, the following describes, at least in part, how the Salesforce software distribution and management system:

Does Sales Cloud work on my mobile device?
 Yes. Our Salesforce1 Mobile App is supported on a variety of platforms, including Android (v4.2+) and iOS (v8.0+). Additionally, the mobile browser app is accessible to many more devices such as Blackberry (OS10.2+) and others through a web browser with internet connection. For a complete list of compatible mobile phones, tablets, and other devices, click [here](#).

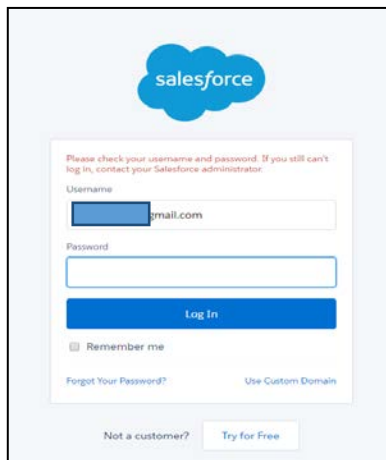
13. Upon information and belief, the following describes, at least in part, how the Salesforce software distribution and management system:

Cloud Computing	Technology that enables Internet-based services that let you sign up and log in through a browser. Salesforce delivers its service in the cloud. Other familiar cloud computing services include Google Apps and Amazon.com.
Software as a Service (SaaS)	Software delivered not by traditional means (such as on disk) but in the cloud, as a service. There's nothing to download or install, and updates are automatic.

14. Upon information and belief, the following describes, at least in part, how the Salesforce software distribution and management system works:



15. Upon information and belief, the following describes, at least in part, how the Salesforce software distribution and management system works:



16. Upon information and belief, the following describes, at least in part, how the Salesforce software distribution and management system works:

Sales Cloud is a fully customizable product that brings all the customer information together in an integrated platform that incorporates marketing, [lead generation](#), sales, customer service and [business analytics](#) and provides access to thousands of applications through the AppExchange. The platform is provided as Software as a Service ([SaaS](#)) for browser-based access; a [mobile app](#) is also available. A real-time social feed for collaboration allows users to share information or ask questions of the user community.

17. Upon information and belief, the following describes, at least in part, how the Salesforce software distribution and management system works:

1. Select an object to view in the Salesforce console navigation list. For example, select Leads to view leads. The administrator can choose which objects are available.
2. Records are displayed in a list, which you can pin at the left or top of the screen. Select one or more records to display in primary tabs.
3. Selected records appear in primary tabs. You can work with multiple tabs simultaneously.
4. The highlight panel can be configured separately for each object to show key information related to the record in the primary tab.
5. Open more than one subtabs to quickly switch between multiple related records.
6. View and interact with subtab content in the detail area.

18. Upon information and belief, the following describes, at least in part, how the Salesforce software distribution and management system works:

Add Multiple Users

You can quickly add up to 10 users at a time to your organization. Your Salesforce edition determines the maximum number of users that you can add.

1. From Setup, enter *users* in the Quick Find box, then select **Users**.
2. Click **Add Multiple Users**.
3. If multiple user license types are available in your organization, select the user license to associate with the users you plan to create. The user license determines the available profiles.
4. Specify the information for each user.
5. To email a login name and temporary password to each new user, select **Generate passwords and notify user via email**.
6. Click **Save**.
7. To specify more details for the users that you've created with this method, edit individual users as needed.

19. Upon information and belief, the following describes, at least in part, how the Salesforce software distribution and management system works:

Salesforce offers a customizable platform that can grow with your business. Salesforce stores critical information about your customers and helps you connect and close deals with new customers. You can modify the Salesforce platform as needed to best reflect how your company does business, and you'll add new features as you grow, so that your information system is always the right size for your business.

This guide is designed to help Salesforce administrators set up and customize a new sales organization. We assume you're familiar with common office programs such as Microsoft® Excel® and know at least a little about computer systems. You don't have to be a Salesforce expert to get started. You'll learn much of what you need to know as you work in Salesforce.

How to Use This Guide

We've arranged the information in this guide in the order you'll need it.

- 1. Secure Users and Data**
Protect your company's business records by reviewing and modifying the settings that determine who can view and edit records and reports.
- 2. Set Up a User Hierarchy**
The role hierarchy supplements basic sharing and security by organizing users into levels. Where each user lands in the role hierarchy determines how much data they can see.
- 3. Customize Existing Objects**
Because each business is unique, you may find that Salesforce doesn't have a place for every bit of data you need to collect. Add new fields or change the page layout to make Salesforce better suit your business needs.
- 4. Add New Objects**
Salesforce provides you with standard objects that help you capture most common types of sales data. If your company has data that doesn't fit into an existing object, you can create a custom object to store it.

20. Upon information and belief, the following describes, at least in part, how the Salesforce software distribution and management system works:

Salesforce Console Configurable Features			
An administrator must turn on and configure most console features to determine how you view and work with data.			
Feature	Automatically Enabled?	Available in a Console for Sales	Available in a Console for Service
Highlights Panel		✓	✓
Brand a Console		✓	✓
Pinned Lists	✓	✓	✓
Save User Sessions	✓	✓	✓
Bookmarks and Recent Tabs	✓	✓	✓
Keyboard Shortcuts	✓	✓	✓
Multi-Monitor Components	✓	✓	✓
Console Components		✓	✓
Whitelist Domains		✓	✓
Push Notifications		✓	✓
Interaction Logs		✓	✓
Softphone Integration		✓	✓
Knowledge Sidebar		✓	✓
Knowledge One Footer		✓	✓
Live Agent			✓

EDITIONS

Salesforce console available in Salesforce Classic and App Launcher in Lightning Experience. Setup for Salesforce console available in Salesforce Classic.

Available in: **Enterprise, Performance, Unlimited, and Developer** Editions with the Service Cloud

Available in: **Performance and Developer** Editions with the Sales Cloud

Available in: **Enterprise and Unlimited** Editions with the Sales Cloud for an extra cost

USER PERMISSIONS

Configure a Salesforce Console for Service:

- "Customize Application"

Salesforce Console for Sales:

- "Customize Application"

AND

- "Sales Console User"

21. Upon information and belief, the following describes, at least in part, how the Salesforce software distribution and management system works:

Profiles

Profiles determine what users can do. Each profile includes a set of permissions, such as access to particular objects, fields, tabs, and records. Each user can be assigned only one profile. The most common profiles are:

- *System Administrator*: By default, the system administrator profile has the greatest access to your Salesforce organization. Users with this profile can configure and customize the application.
- *Standard User*: Users with this profile can create and edit most records, and run reports.
- *Read Only*: Users with this profile have limited access to your Salesforce organization. They can run and export reports and view—but not edit—records.

22. Upon information and belief, the following describes, at least in part, how the Salesforce software distribution and management system works:

What can you customize?
You can customize many different Salesforce CRM components; however, most customers customize three things:

- Fields
- Page layouts
- Reports


23. Upon information and belief, the following describes, at least in part, how the Salesforce software distribution and management system works:

FINE-TUNE PRE-EXISTING FEATURES

Overview

Your Salesforce organization is highly customizable. In this chapter, learn how to tweak pre-existing features to make Salesforce work better for your business.

Pre-existing features in Salesforce are called *standard objects*. Each standard object contains *standard fields* used to store data. Your users can easily access most standard objects by clicking one of the *tabs* on any page of your Salesforce organization.

 **Note:** For example, the standard object *Accounts* has a standard field called *Account Name*. Your users can access your company's accounts by clicking the *Accounts* tab in Salesforce.

You can't delete standard objects or fields, but you can change them to better suit your business's needs.

Change Tab and Field Names
You can change the name of almost any object, field, or tab in Salesforce. This simple adjustment lets you continue using the terminology your users already know and helps them transition to using Salesforce. However, be aware that Setup and Salesforce Help always display the original names for standard objects, fields, and tabs.

Replace Picklist Choices
If our standard picklist choices aren't right for your business, you can change them.

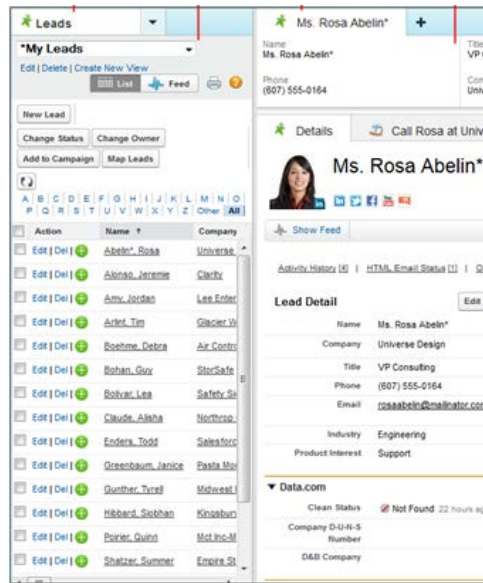
Log Changes to Your Data
You can set up Salesforce to track changes your users make to most fields on many standard objects, including Accounts, Contacts, Leads, and Opportunities.

Change What Your Users See
You can't delete standard fields, but you can hide them from your users by removing them from the page layout. You can also add page elements, change the order they're displayed, require data in certain fields, and make other tweaks to what users see.

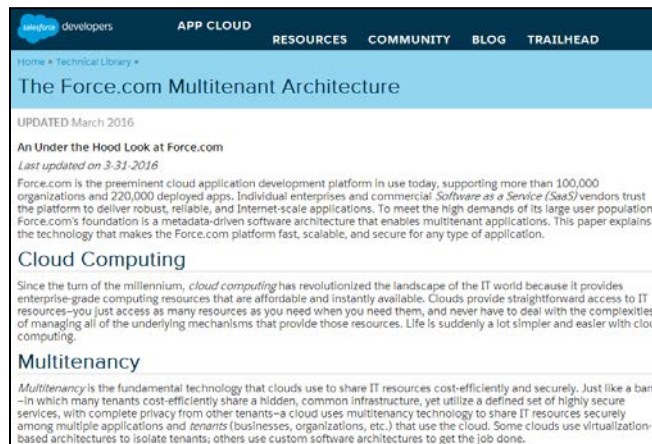
24. Upon information and belief, the following describes, at least in part, how the Salesforce software distribution and management system works:

1. Select an object to view in the Salesforce console navigation list. For example, select Leads to view leads. The administrator can choose which objects are available.
 2. Records are displayed in a list, which you can pin at the left or top of the screen. Select one or more records to display in primary tabs.
 3. Selected records appear in primary tabs. You can work with multiple tabs simultaneously.
 4. The highlight panel can be configured separately for each object to show key information related to the record in the primary tab.
 5. Open more than one subtabs to quickly switch between multiple related records.
 6. View and interact with subtab content in the detail area.

25. Upon information and belief, the following describes, at least in part, how the Salesforce software distribution and management system works:



26. Upon information and belief, the following describes, at least in part, how the Salesforce software distribution and management system works:



27. Upon information and belief, the following describes, at least in part, how the Salesforce software distribution and management system works:

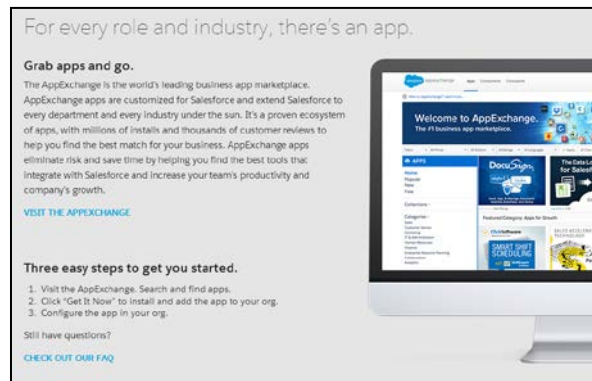
AppExchange

This section on packaging, and the section on managed packages that follow, discuss the technology involved in making and distributing packages. However, some readers may be interested in distributing packages more widely, becoming an independent software vendor (ISV) whose products run on the Force.com platform. Salesforce.com has an entire infrastructure designed to support the distribution of applications to customers, including the collection of license fees, as well as License Management technology to manage and monitor the use of applications distributed as managed packages.

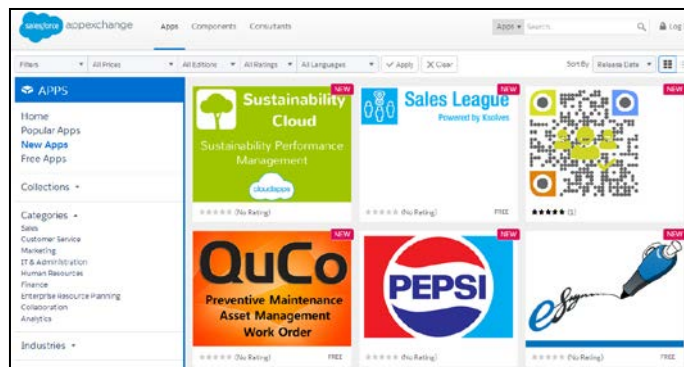
AppExchange is the name for the overall program for the promotion and sales of Force.com platform-based applications. With AppExchange, you can list your application on the Salesforce.com web site, as well as offer trial versions of your products and collateral on the applications.

The Code Share project for this book includes documents and links to provide you with information about AppExchange and its related programs.

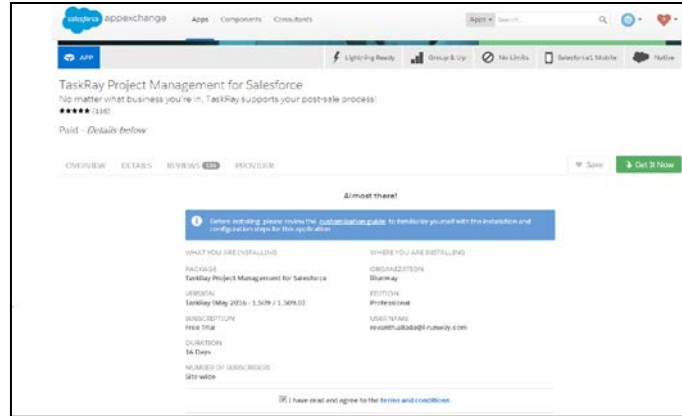
28. Upon information and belief, the following describes, at least in part, how the Salesforce software distribution and management system works:



29. Upon information and belief, the following describes, at least in part, how the Salesforce software distribution and management system works:



30. Upon information and belief, the following describes, at least in part, how the Salesforce software distribution and management system works:



31. Upon information and belief, the following describes, at least in part, how the Salesforce software distribution and management system works:

Object	A definition of a specific type of information you can store in Salesforce. For example, the Case object lets you store information about customer inquiries. For each object, your organization will have multiple, specific records. Salesforce comes with lots of standard objects, but you can create custom objects, as well.
Organization	A deployment of Salesforce that has a defined set of licensed users. Your organization includes all of your data and applications.
Record	A collection of fields that store information about a specific item of a specific type (represented by an object), such as a contact, an account, or an opportunity. For example, you might have a contact record to store information about Joe Smith, and a case record store information about his training inquiry.

32. Upon information and belief, the following describes, at least in part, how the Salesforce software distribution and management system works:

Add a Single User

Depending on the size of your organization or your new hire onboarding process, you may choose to add users one at a time. The maximum number of users you can add is determined by your Salesforce edition.

1. Read the guidelines for adding users.
2. From Setup, enter *Users* in the Quick Find box, then select **Users**.
3. Click **New User**.
4. Enter the user's name and email address and a unique username in the form of an email address. By default, the username is the same as the email address.

Important: Your *username* must be unique across all Salesforce orgs. The username must be in the format of an email address, for example, jane@salesforce.com. This email username doesn't have to work. You can have the same functioning email address associated with your account across orgs—only the *username in the form of an email address* must remain unique.
5. In Professional, Enterprise, Unlimited, Performance, and Developer Editions, select a **Role**.
6. Select a **User License**. The user license determines which profiles are available for the user.
7. Select a profile, which specifies the user's minimum permissions and access settings.
8. If your organization has Approvals enabled, you can set the user's approver settings, such as delegated approver, manager, and preference for receiving approval request emails.

EDITIONS

Available in: both Salesforce Classic and Lightning Experience

Available in: **Contact Manager, Group, Professional, Enterprise, Performance, Unlimited, Developer, and Database.com Editions**

USER PERMISSIONS

To create users:

- "Manage Internal Users"

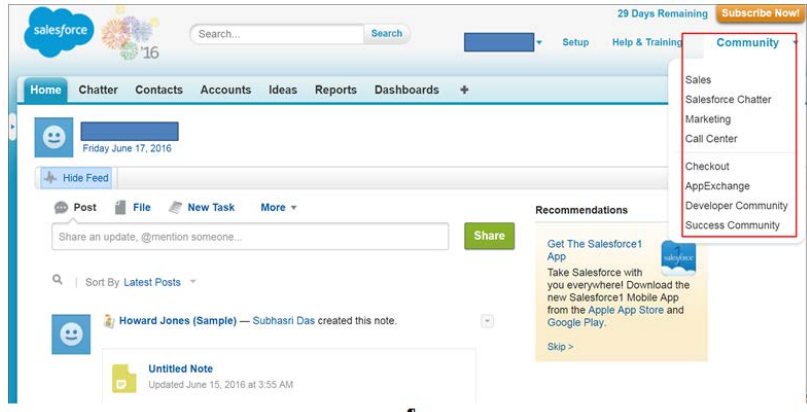
33. Upon information and belief, the following describes, at least in part, how the Salesforce software distribution and management system works:

User Licenses
 The license assigned to each user determines which features the user can access in Salesforce. The "Salesforce" license gives users access to standard Salesforce features and Chatter, and is probably right for most users.
 For more information, see [Standard User Licenses](#) in the Salesforce online help.

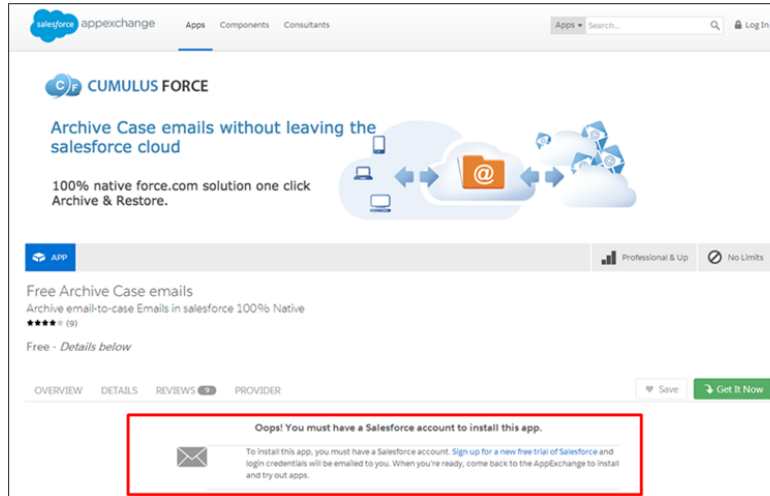
34. Upon information and belief, the following describes, at least in part, how the Salesforce software distribution and management system works:

License Type	Description	Available in
Salesforce	Designed for users who require full access to standard CRM and Force.com AppExchange apps. Users with this user license are entitled to access any standard or custom app. Each license provides additional storage for Enterprise, Unlimited, and Performance Edition users.	All editions

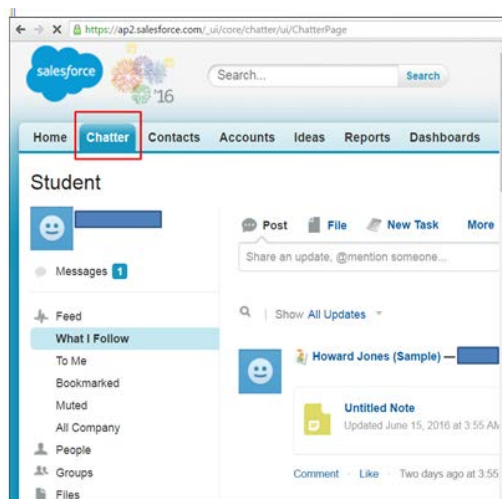
35. Upon information and belief, the following describes, at least in part, how the Salesforce software distribution and management system works:



36. Upon information and belief, the following describes, at least in part, how the Salesforce software distribution and management system works:



37. Upon information and belief, the following describes, at least in part, how the Salesforce software distribution and management system works:



38. Salesforce has directly infringed, and continues to directly infringe one or more claims of the '578 Patent in this judicial district and elsewhere in Texas, including at least claims 1-8, 10-24, 26-39, and 41-46 literally and/or under the doctrine of equivalents, by or through making, using, importing, offering for sale and/or selling the Salesforce software distribution and management system during the pendency of the '578 Patent which software and associated backend server architecture *inter alia* allows for installing application programs having a plurality of configurable preferences and authorized users on a network, distributing an

application launcher program to a user, the user obtaining a set of configurable preferences, obtaining an administrator set of configurable preferences and executing the application program using the user and administrator sets of configurable preferences responsive to a request from a user.

39. In addition, should the Salesforce software distribution and management system be found to not literally infringe the asserted claims of the '578 Patent, the product would nevertheless infringe the asserted claims of the '578 Patent. More specifically, the accused software/system performs substantially the same function (making computer games available for digital download/management), in substantially the same way (via a client/server environment), to yield substantially the same result (distributing application programs to a target on-demand server on a network). Salesforce would thus be liable for direct infringement under the doctrine of equivalents.

40. Salesforce has indirectly infringed and continues to indirectly infringe at least claims 1-8, 10-24, 26-39, and 41-46 of the '578 Patent in this judicial district and elsewhere in the United States by, among other things, actively inducing the using, offering for sale, selling, or importing the Salesforce software distribution and management system. Salesforce's customers who use the Salesforce software distribution and management system in accordance with Salesforce's instructions directly infringe one or more of the forgoing claims of the '578 Patent in violation of 35 U.S.C. § 271. Salesforce directly and/or indirectly instructs its customers through training videos, demonstrations, brochures, installation and/or user guides, such as those located at the following:

- www.salesforce.com
- www.salesforce.com

- www.youtube.com

Salesforce is thereby liable for infringement of the '578 Patent under 35 U.S.C. § 271(b).

41. Salesforce has indirectly infringed and continues to indirectly infringe at least claims 1-8, 10-24, 26-39, and 41-46 of the '578 Patent in this judicial district and elsewhere in the United States by, among other things, contributing to the direct infringement by others including, without limitation customers using the Salesforce software distribution and management system, by making, offering to sell, selling and/or importing into the United States, a component of a patented machine, manufacture or combination, or an apparatus for use in practicing a patented process, constituting a material part of the invention, knowing the same to be especially made or especially adapted for use in infringing the '578 Patent and not a staple article or commodity of commerce suitable for substantial non-infringing use.

42. For example, the Salesforce software distribution and management system is a component of a patented machine, manufacture, or combination, or an apparatus for use in practicing a patent process. Furthermore, the Salesforce software distribution and management system is a material part of the claimed inventions and upon information and belief is not a staple article or commodity of commerce suitable for substantial non-infringing use. Salesforce is, therefore, liable for infringement under 35 U.S.C. § 271(c).

43. Salesforce will have been on notice of the '578 Patent since, at the latest, the service of this complaint upon Salesforce. By the time of trial, Salesforce will have known and intended (since receiving such notice) that its continued actions would actively induce, and contribute to, the infringement of one or more of claims 1-8, 10-24, 26-39, and 41-46 of the '578 Patent.

44. Salesforce may have infringed the '578 Patent through other software utilizing the same or reasonably similar functionality, including other versions of the Salesforce software distribution and management system. Uniloc reserves the right to discover and pursue all such additional infringing software.

45. Uniloc has been damaged, reparably and irreparably, by Salesforce's infringement of the '578 Patent and such damage will continue unless and until Salesforce is enjoined.

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

46. Uniloc incorporates paragraphs 1-45 above by reference.

47. Uniloc Luxembourg is the owner, by assignment, of U.S. Patent No. 7,069,293 ("the '293 Patent"), entitled METHODS, SYSTEMS AND COMPUTER PROGRAM PRODUCTS FOR DISTRIBUTION OF APPLICATION PROGRAMS TO A TARGET STATION ON A NETWORK that issued on June 27, 2006. A true and correct copy of the '293 Patent is attached as Exhibit B hereto.

48. Uniloc USA is the exclusive licensee of the '293 Patent with ownership of all substantial rights therein, including the right to grant sublicenses, to exclude others, and to enforce, sue and recover past damages for the infringement thereof.

49. Salesforce has directly infringed, and continues to directly infringe one or more claims of the '293 Patent in this judicial district and elsewhere in Texas, including at least claims 1, 12 and 17, literally and/or under the doctrine of equivalents, by or through making, using, importing, offering for sale and/or selling the Salesforce software distribution and management system during the pendency of the '293 Patent which software and associated backend server architecture *inter alia* allow for providing an application program for distribution to a network server, specifying source and target directories for the program to be distributed, preparing a file

packet associated with the program including a segment configured to initiate registration and distributing the file packet to the target on-demand server to make the program available for use by a client user.

50. In addition, should the Salesforce software distribution and management system be found to not literally infringe the asserted claims of the '293 Patent, the product would nevertheless infringe the asserted claims of the '293 Patent. More specifically, the accused Salesforce software distribution and management system performs substantially the same function (distributing application programs to a target on-demand server on a network), in substantially the same way (via a client/server environment to target on-demand users), to yield substantially the same result (making application programs available for use by target on-demand users). Salesforce would thus be liable for direct infringement under the doctrine of equivalents.

51. Salesforce has indirectly infringed and continues to indirectly infringe at least claims 1, 12 and 17 of the '293 Patent in this judicial district and elsewhere in the United States by, among other things, actively inducing the using, offering for sale, selling, or importing the Salesforce software distribution and management system. Salesforce's customers who use the Salesforce software distribution and management system in accordance with Salesforce's instructions directly infringe one or more of the forgoing claims of the '293 Patent in violation of 35 U.S.C. § 271. Salesforce directly and/or indirectly instructs its customers through training videos, demonstrations, brochures, installation and/or user guides, such as those located at the following:

- www.salesforce.com
- www.salesforce.com
- www.youtube.com

Salesforce is thereby liable for infringement of the '293 Patent under 35 U.S.C. § 271(b).

52. Salesforce has indirectly infringed and continues to indirectly infringe at least claims 1, 12 and 17 of the '293 Patent in this judicial district and elsewhere in the United States by, among other things, contributing to the direct infringement by others including, without limitation customers using the Salesforce software distribution and management system, by making, offering to sell, selling and/or importing into the United States, a component of a patented machine, manufacture or combination, or an apparatus for use in practicing a patented process, constituting a material part of the invention, knowing the same to be especially made or especially adapted for use in infringing the '293 Patent and not a staple article or commodity of commerce suitable for substantial non-infringing use.

53. For example, the Salesforce software distribution and management system is a component of a patented machine, manufacture, or combination, or an apparatus for use in practicing a patent process. Furthermore, the Salesforce software distribution and management system is a material part of the claimed inventions and upon information and belief is not a staple article or commodity of commerce suitable for substantial non-infringing use. Salesforce is, therefore, liable for infringement under 35 U.S.C. § 271(c).

54. Salesforce will have been on notice of the '293 Patent since, at the latest, the service of this complaint upon Salesforce. By the time of trial, Salesforce will have known and intended (since receiving such notice) that its continued actions would actively induce, and contribute to, the infringement of one or more of claims 1, 12 and 17 of the '293 Patent.

55. Salesforce may have infringed the '293 Patent through other software utilizing the same or reasonably similar functionality, including other versions of the Salesforce software

distribution and management system. Uniloc reserves the right to discover and pursue all such additional infringing software.

56. Uniloc has been damaged, reparably and irreparably, by Salesforce's infringement of the '293 Patent and such damage will continue unless and until Salesforce is enjoined.

COUNT III
(INFRINGEMENT OF U.S. PATENT NO. 6,510,466)

57. Uniloc incorporates paragraphs 1-56 above by reference.

58. Uniloc Luxembourg is the owner, by assignment, of U.S. Patent No. 6,510,466 ("the '466 Patent"), entitled METHODS, SYSTEMS AND COMPUTER PROGRAM PRODUCTS FOR CENTRALIZED MANAGEMENT OF APPLICATION PROGRAMS ON A NETWORK that issued on January 21, 2003. A true and correct copy of the '466 Patent is attached as Exhibit C hereto.

59. Uniloc USA is the exclusive licensee of the '466 Patent with ownership of all substantial rights therein, including the right to grant sublicenses, to exclude others, and to enforce, sue and recover past damages for the infringement thereof.

60. Salesforce has directly infringed, and continues to directly infringe one or more claims of the '466 Patent in this judicial district and elsewhere in Texas, including at least claims 1-2, 7, 15-17, 22, 30 and 35, literally and/or under the doctrine of equivalents, by or through making, using, importing, offering for sale and/or selling its Salesforce software distribution and management system during the pendency of the '466 Patent which software and associated backend server architecture *inter alia* allow for installing application programs on a server, receiving a login request, establishing a user desktop, receiving a selection of one or more programs displayed in the user desktop and providing a program for execution.

61. In addition, should the Salesforce software distribution and management system be found to not literally infringe the asserted claims of the '466 Patent, the product would nevertheless infringe the asserted claims of the '466 Patent. More specifically, the accused Salesforce software distribution and management system performs substantially the same function (making computer games/software available for digital download/management), in substantially the same way (via a client/server environment), to yield substantially the same result (providing authorized games/software to a client for execution). Salesforce would thus be liable for direct infringement under the doctrine of equivalents.

62. Salesforce has indirectly infringed and continues to indirectly infringe at least claims 1-2, 7, 15-17, 22, 30 and 35 of the '466 Patent in this judicial district and elsewhere in the United States by, among other things, actively inducing the using, offering for sale, selling, or importing the Salesforce software distribution and management system. Salesforce's customers who use the Salesforce software distribution and management system in accordance with Salesforce's instructions directly infringe one or more of the forgoing claims of the '466 Patent in violation of 35 U.S.C. § 271. Salesforce directly and/or indirectly instructs its customers through training videos, demonstrations, brochures, installation and/or user guides, such as those located at the following:

- www.salesforce.com
- www.salesforce.com
- www.youtube.com

Salesforce is thereby liable for infringement of the '466 Patent under 35 U.S.C. § 271(b).

63. Salesforce has indirectly infringed and continues to indirectly infringe at least claims 1-2, 7, 15-17, 22, 30 and 35 of the '466 Patent in this judicial district and elsewhere in the

United States by, among other things, contributing to the direct infringement by others including, without limitation customers using the Salesforce software distribution and management system, by making, offering to sell, selling and/or importing into the United States, a component of a patented machine, manufacture or combination, or an apparatus for use in practicing a patented process, constituting a material part of the invention, knowing the same to be especially made or especially adapted for use in infringing the '466 Patent and not a staple article or commodity of commerce suitable for substantial non-infringing use.

64. For example, the Salesforce software distribution and management system is a component of a patented machine, manufacture, or combination, or an apparatus for use in practicing a patent process. Furthermore, the Salesforce software distribution and management system is a material part of the claimed inventions and upon information and belief is not a staple article or commodity of commerce suitable for substantial non-infringing use. Salesforce is, therefore, liable for infringement under 35 U.S.C. § 271(c).

65. Salesforce will have been on notice of the '466 Patent since, at the latest, the service of this complaint upon Salesforce. By the time of trial, Salesforce will have known and intended (since receiving such notice) that its continued actions would actively induce, and contribute to, the infringement of one or more of claims 1-2, 7, 15-17, 22, 30 and 35 of the '466 Patent.

66. Salesforce may have infringed the '466 Patent through other software utilizing the same or reasonably similar functionality, including other versions of the Salesforce software distribution and management system. Uniloc reserves the right to discover and pursue all such additional infringing software.

67. Uniloc has been damaged, reparably and irreparably, by Salesforce's infringement of the '466 Patent and such damage will continue unless and until Salesforce is enjoined.

COUNT IV
(INFRINGEMENT OF U.S. PATENT NO. 6,728,766)

68. Uniloc incorporates paragraphs 1-67 above by reference.

69. Uniloc Luxembourg is the owner, by assignment, of U.S. Patent No. 6,728,766 ("the '766 Patent"), entitled METHODS, SYSTEMS AND COMPUTER PROGRAM PRODUCTS FOR LICENSE USE MANAGEMENT ON A NETWORK that issued on April 27, 2004. A true and correct copy of the '766 Patent is attached as Exhibit D hereto.

70. Uniloc USA is the exclusive licensee of the '766 Patent with ownership of all substantial rights therein, including the right to grant sublicenses, to exclude others, and to enforce, sue and recover past damages for the infringement thereof.

71. Salesforce has directly infringed, and continues to directly infringe one or more claims of the '766 Patent in this judicial district and elsewhere in Texas, including at least claims 1, 3, 5, 7, 9, 11, 13, 15 and 17, literally and/or under the doctrine of equivalents, by or through making, using, importing, offering for sale and/or selling its Salesforce software distribution and management system during the pendency of the '766 Patent which software and associated backend server architecture *inter alia* allow for maintaining user policy based license management information for application programs at a server, receiving a request for a license at the server, determining license availability based on the policy information, and providing an indication of availability or unavailability.

72. In addition, should the Salesforce software distribution and management system be found to not literally infringe the asserted claims of the '766 Patent, the product would nevertheless infringe the asserted claims of the '766 Patent. More specifically, the accused

Salesforce software distribution and management system performs substantially the same function (managing licenses for authorized computer games/software based on user policy information), in substantially the same way (via a client/server environment), to yield substantially the same result (providing authorized games/software to a client). Salesforce would thus be liable for direct infringement under the doctrine of equivalents.

73. Salesforce has indirectly infringed and continues to indirectly infringe at least claims 1, 3, 5, 7, 9, 11, 13, 15 and 17 of the '766 Patent in this judicial district and elsewhere in the United States by, among other things, actively inducing the using, offering for sale, selling, or importing the Salesforce software distribution and management system. Salesforce's customers who use the Salesforce software distribution and management system in accordance with Salesforce's instructions directly infringe one or more of the forgoing claims of the '766 Patent in violation of 35 U.S.C. § 271. Salesforce directly and/or indirectly instructs its customers through training videos, demonstrations, brochures, installation and/or user guides, such as those located at the following:

- www.salesforce.com
- www.salesforce.com
- www.youtube.com

Salesforce is thereby liable for infringement of the '766 Patent under 35 U.S.C. § 271(b).

74. Salesforce has indirectly infringed and continues to indirectly infringe at least claims 1, 3, 5, 7, 9, 11, 13, 15 and 17 of the '766 Patent in this judicial district and elsewhere in the United States by, among other things, contributing to the direct infringement by others including, without limitation customers using the Salesforce software distribution and management system, by making, offering to sell, selling and/or importing into the United States,

a component of a patented machine, manufacture or combination, or an apparatus for use in practicing a patented process, constituting a material part of the invention, knowing the same to be especially made or especially adapted for use in infringing the '766 Patent and not a staple article or commodity of commerce suitable for substantial non-infringing use.

75. For example, the Salesforce software distribution and management system is a component of a patented machine, manufacture, or combination, or an apparatus for use in practicing a patent process. Furthermore, the Salesforce software distribution and management system is a material part of the claimed inventions and upon information and belief is not a staple article or commodity of commerce suitable for substantial non-infringing use. Salesforce is, therefore, liable for infringement under 35 U.S.C. § 271(c).

76. Salesforce will have been on notice of the '766 Patent since, at the latest, the service of this complaint upon Salesforce. By the time of trial, Salesforce will have known and intended (since receiving such notice) that its continued actions would actively induce, and contribute to, the infringement of one or more of claims 1, 3, 5, 7, 9, 11, 13, 15 and 17 of the '766 Patent.

77. Salesforce may have infringed the '766 Patent through other software utilizing the same or reasonably similar functionality, including other versions of the Salesforce software distribution and management system. Uniloc reserves the right to discover and pursue all such additional infringing software.

78. Uniloc has been damaged, reparably and irreparably, by Salesforce's infringement of the '766 Patent and such damage will continue unless and until Salesforce is enjoined.

PRAYER FOR RELIEF

Uniloc requests that the Court enter judgment against Salesforce as follows:

- (A) that Salesforce has infringed the '578 Patent, the '293 Patent, the '466 Patent and the '766 Patent;
- (B) awarding Uniloc its damages suffered as a result of Salesforce's infringement of the '578 Patent, the '293 Patent, the '466 Patent and the '766 Patent;
- (C) enjoining Salesforce, its officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries and parents, and all others acting in concert or privity with it from infringing the '578 Patent, the '293 Patent, the '466 Patent and the '766 Patent;
- (D) awarding Uniloc its costs, attorneys' fees, expenses and interest, and
- (E) granting Uniloc such other and further relief as the Court may deem just and proper.

DEMAND FOR JURY TRIAL

Uniloc hereby demands trial by jury on all issues so triable pursuant to Fed. R. Civ. P. 38.

Dated: July 8, 2016

Respectfully submitted,

/s/ Craig Tadlock _____

Craig Tadlock

Texas State Bar No. 00791766

Keith Smiley

Texas State Bar No. 24067869

TADLOCK LAW FIRM PLLC

2701 Dallas Parkway, Suite 360

Plano, TX 75093

Tel: (903) 730-6789

Email: craig@tadlocklawfirm.com

Email: keith@tadlocklawfirm.com

Paul J. Hayes

Kevin Gannon

CESARI AND MCKENNA, LLP

88 Black Falcon Ave
Suite 271
Boston, MA 02110
Telephone: (617) 951-2500
Facsimile: (617) 951-3927
Email: pjh@c-m.com
Email: kgannon@c-m.com

ATTORNEYS FOR THE PLAINTIFFS