

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

**WSOU INVESTMENTS, LLC d/b/a
BRAZOS LICENSING AND
DEVELOPMENT,**

Plaintiff,

v.

SALESFORCE.COM, INC.,

Defendant.

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CIVIL ACTION NO. 6:20-cv-1171

JURY TRIAL DEMANDED

ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff WSOU Investments, LLC d/b/a Brazos Licensing and Development (“Brazos” or “Plaintiff”), by and through its attorneys, files this Complaint for Patent Infringement against Defendant Salesforce.com, Inc. (“Salesforce”) and alleges:

NATURE OF THE ACTION

1. This is a civil action for patent infringement arising under the Patent Laws of the United States, 35 U.S.C. §§ 1, et seq., including §§ 271, 281, 284, and 285.

THE PARTIES

1. Brazos is a limited liability corporation organized and existing under the laws of Delaware, with its principal place of business at 606 Austin Avenue, Suite 6, Waco, Texas 76701.

2. Defendant Salesforce is a corporation organized and existing under the laws of Delaware that maintains an established place of business at 415 Mission Street, 3rd Floor, San Francisco, California 94105.

JURISDICTION AND VENUE

3. This is an action for patent infringement which arises under the Patent Laws of the United States, in particular, 35 U.S.C. §§271, 281, 284, and 285.

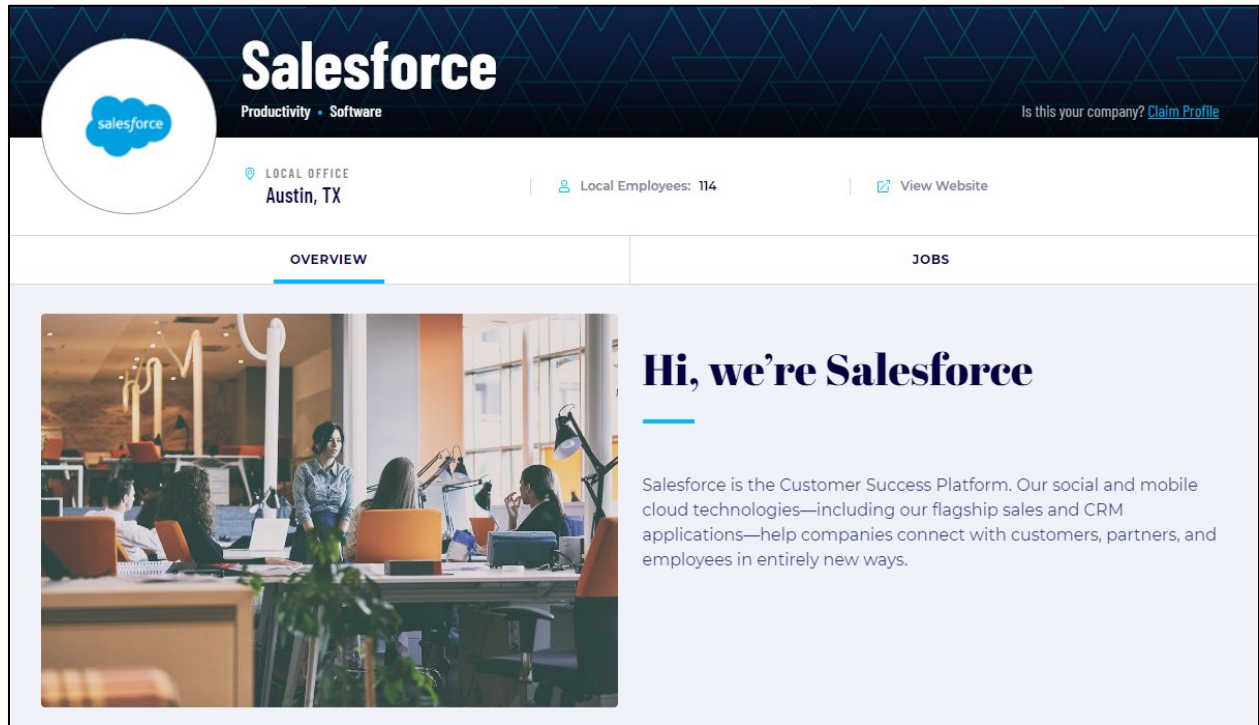
4. This Court has jurisdiction over the subject matter of this action under 28 U.S.C. §§ 1331 and 1338(a).

5. This Court has specific and general personal jurisdiction over Defendant pursuant to due process and/or the Texas Long Arm Statute because Defendant has committed acts giving rise to this action within Texas and within this judicial district. The Court's exercise of jurisdiction over Defendant would not offend traditional notions of fair play and substantial justice because Salesforce has established minimum contacts with the forum. For example, on information and belief, Defendant has committed acts of infringement in this judicial district, by among other things, selling and offering for sale products that infringe the asserted patent, directly or through intermediaries, as alleged herein.

6. Venue in the Western District of Texas is proper pursuant to 28 U.S.C. §§1391 and 1400(b) because Defendant has committed acts of infringement in this judicial district and has regular and established places of business in this judicial district and in Texas. As non-limiting examples, on information and belief, Defendant uses office space in Austin for client meetings. Salesforce has more than 300 employees that work in this judicial district, including employees working in the cities of Waco, Austin, and San Antonio. The titles of said employees include "Vice President," "Principal Architect," and "Senior Director."

7. Upon information and belief, the majority of Salesforce's nationwide workforce is working from home and will continue to be allowed to do so until at least August of 2021. Upon information and belief, some of the Salesforce employees working in the Western District utilize

their home as a principal place of business for Salesforce. Additionally, such employees are allowed to advertise that they are, for example, an Austin Salesforce employee. Because of such representations, local magazines advertise Salesforce as having a place of business in Austin.



Source: <https://www.builtinaustin.com/company/salesforce>

COUNT ONE - INFRINGEMENT OF U.S. PATENT NO. 9,277,060

1. Brazos re-alleges and incorporates by reference the preceding paragraphs of this Complaint.

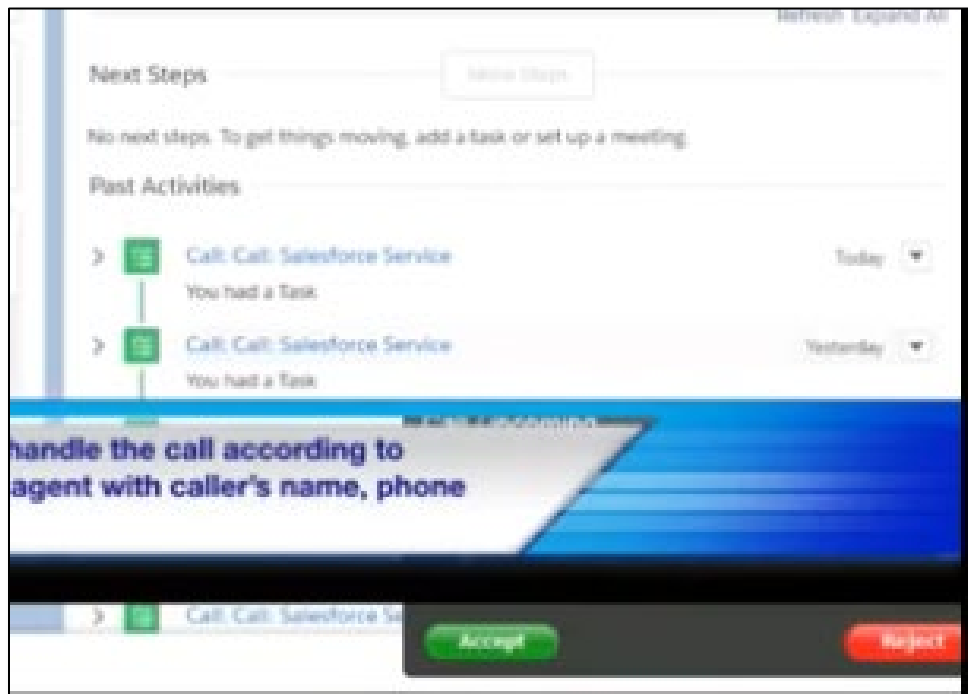
2. On March 1, 2016, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 9277060 (“the ‘060 Patent”), entitled “Presenting to a user contextual information regarding a communication before the user takes action concerning the communication.” A true and correct copy of the ‘060 Patent is attached as Exhibit A to this Complaint.

3. Brazos is the owner of all rights, title, and interest in and to the '060 Patent, including the right to assert all causes of action arising under the '060 Patent and the right to any remedies for the infringement of the '060 Patent.

4. Salesforce Inc. ("Salesforce") makes, uses, sells, offers for sale, imports, and/or distributes in the United States, including within this judicial district, products such as, but not limited to, Salesforce Service Cloud (collectively, the "Accused Products").

5. Salesforce is an American cloud-based software company. Salesforce provides various services and products including Sales Cloud, Service Cloud, and Marketing Cloud.

6. Salesforce Service Cloud helps third party vendors to use softphone which helps them to make or receive calls on their computer. The below figure shows an incoming call received on softphone, where the user has the option to accept or reject the call or leave it unanswered.



Source: <https://www.youtube.com/watch?v=iqudilpQ9h0>, Time Stamp: 2:34

7. Salesforce Service Cloud is a customer service and support platform built to help

its users to get faster and reliable case resolutions for their customers. It lets users deliver smarter service with a 360-degree view of every customer, resolve issues across any channel, and increase customer satisfaction.



Source: https://help.salesforce.com/articleView?id=service_cloud.htm&type=5, Pg. 1, Exhibit A

8. Call centers integrate Salesforce with third-party computer-telephony integration (CTI) systems. Call center users can see information on the Salesforce platform for the reception and transmission of calls.

Salesforce Call Center

Call Center integrates Salesforce with third-party computer-telephony integration (CTI) systems. Call center users can see Salesforce information for incoming calls, make out-going calls directly from Salesforce, and report on call outcome, duration, and more. A call center is great for boosting productivity for Salesforce users that spend time on the phone.

Source: https://help.salesforce.com/articleView?id=cti_overview.htm&type=5, Pg. 1, Exhibit B

9. To set up a call center, Open CTI API is used, which works with the existing telephony system. Softphone is a customizable call-control tool that appears to users assigned to a call center. After a call center is set up, users can make and receive calls using softphones. A softphone's functionality and user interface are determined by the Salesforce admin using Open

CTI.

To set up a call center, work with a developer or partner to create a CTI implementation that uses the Open CTI API and works with your existing telephony system. Most call centers are created by installing an AppExchange package, then all you have to do is decide which users you want to access the call center.

After a call center is set up, call center users can make and receive calls with a softphone. Each softphone looks and behaves differently because each CTI implementation is unique. In the console and in Lightning Experience, softphones appear in a footer. In Salesforce Classic, softphones appear in the left sidebar of every Salesforce page.

The call center is all about customization. You can modify softphone layouts and assign specific layouts to selected user profiles. You can also add phone numbers to call center directories so your users all have access to key phone numbers. As your needs change, your call center can be customized and changed too. As an admin, some customization you can do yourself. However, you might want to work with your developers or partners to make functionality changes.

Source: https://help.salesforce.com/articleView?id=cti_overview.htm&type=5, Pg- 1, Exhibit B

A softphone is a customizable call-control tool that appears to users assigned to a call center. Similar to page layouts, you can design custom softphone layouts and assign them to Call Center users based on their user profile.

Source: https://help.salesforce.com/articleView?id=cti_admin_phonelayouts.htm&type=5, Pg. 1, Exhibit C

10. In a softphone layout, call-related fields which are displayed and the Salesforce objects that are searched for an incoming call can be controlled by the Salesforce console, as shown in the figure below.

Designing a Custom Softphone Layout

REQUIRED EDITIONS AND USER PERMISSIONS

Available in: Salesforce Classic (not available in all orgs) and Lightning Experience
Available in: Essentials, Professional, Enterprise, Performance, Unlimited, and Developer Editions

USER PERMISSIONS NEEDED

To view, create, edit, or delete a softphone layout:	Manage Call Centers
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In a [softphone layout](#), you can control the call-related fields that are displayed and the Salesforce objects that are searched for an incoming call. To design a custom softphone layout:

1. From Setup, enter **Softphone Layouts** in the Quick Find box, then select **Softphone Layouts**.
2. Click **New** to create a softphone layout definition, or click **Edit** next to the name of an existing layout definition to view or modify it.
3. In the **Name** field, enter a label that uniquely identifies your softphone layout definition.
4. In the **Select Call Type** picklist, choose the type of call for which the currently displayed softphone layout should be used. Every softphone layout definition allows you to specify different layouts for inbound, outbound, and internal calls. These three layouts are grouped in a single softphone layout definition.
5. In the **Display these call-related fields** section, click **Edit** to add, remove, or change the order of fields in the currently-displayed softphone layout:
 - To add a field to the softphone layout, select it in the Available list and click **Add**.
 - To remove a field from the softphone layout, select it in the Selections list and click **Remove**.
 - To change the order of a field in the softphone layout, select it in the Selections list and click **Up** or **Down**.

Source: https://help.salesforce.com/articleView?id=cti_admin_phonelayoutscreate.htm&type=5, Pg. 1, Exhibit D

11. Screen popups are the alerts set by the admin for the incoming call to show the customer record. When there is a matching record for the inbound call, it can pop up to the Visualforce page which contains the record of the caller (i.e. identifier).

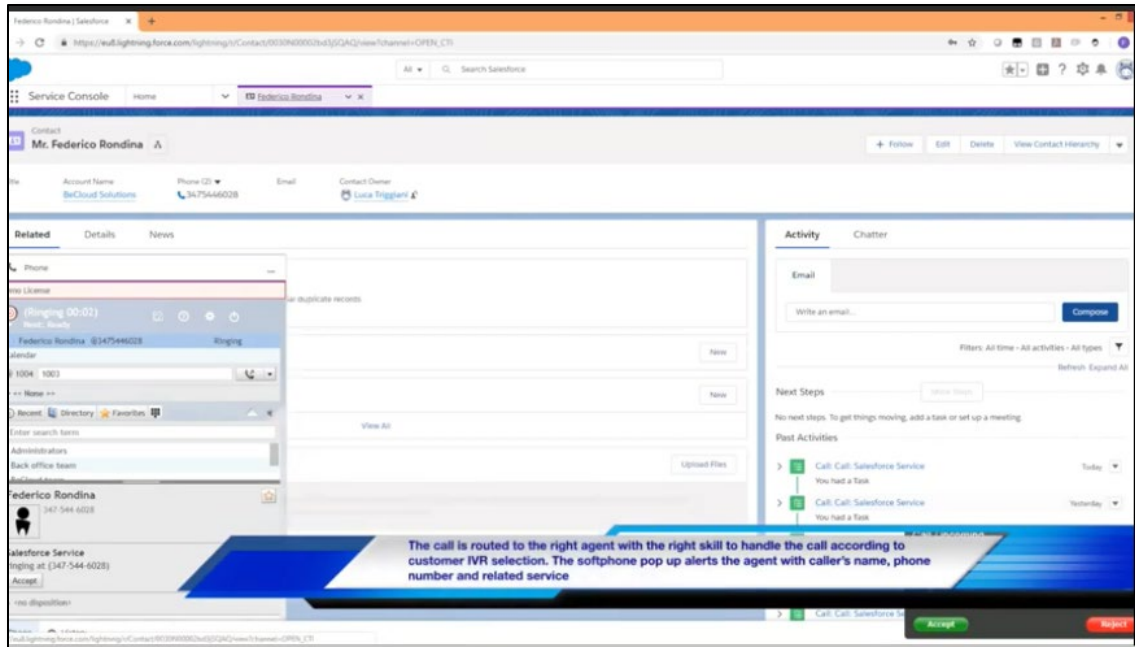
8. In the Screen Pop Settings section (for inbound call types), click **Edit** next to each type of record-matching row to specify which screens should display when the details of an inbound call match or don't match existing records in Salesforce. The following table describes each record-matching row and its screen pop options:

RECORD-MATCHING ROW	DESCRIPTION	SCREEN POP OPTIONS
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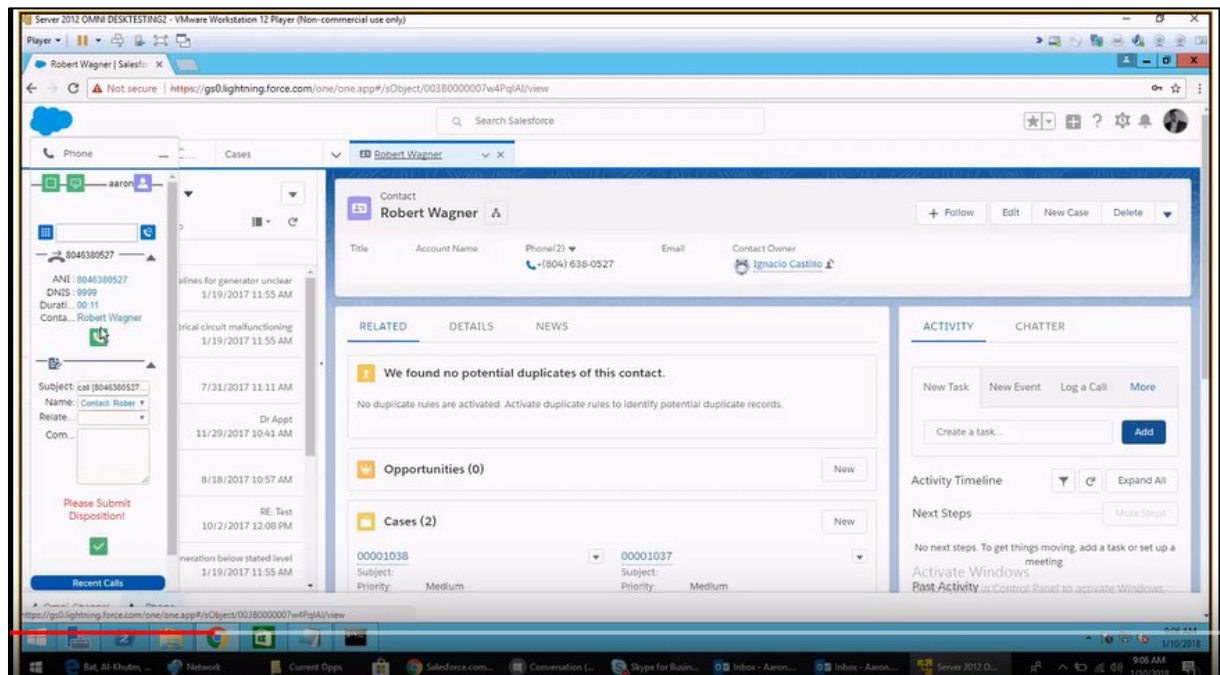
Multiple-matching records	Use to set the screen pop options for when the details of an inbound call match more than one existing Salesforce record.	<p>Don't pop any screen Select if you don't want any screen to display.</p> <p>Pop to search page Select to display a search page.</p> <p>Pop to Visualforce page Select to display a specific Visualforce page. The CTI adapter passes data from the call to the Visualforce page via a URL. This includes at least ANI (the caller ID) and DNIS (the number that the caller dialed). The URL can pass more data to the Visualforce page if necessary.</p> <p>Pop to flow Select to display a specific flow. You can use active screen flows only.</p>
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Source: https://help.salesforce.com/articleView?id=cti_admin_phonelayoutscreate.htm&type=5, Pg. 4, Exhibit D

12. The data records of a caller are accessible by the user of Salesforce CTI using the softphone. During the incoming call, the screen of the identifier immediately pops up, showing the record of the events from the call log history. The figures below show how the information pops up on the Salesforce console during an incoming call.



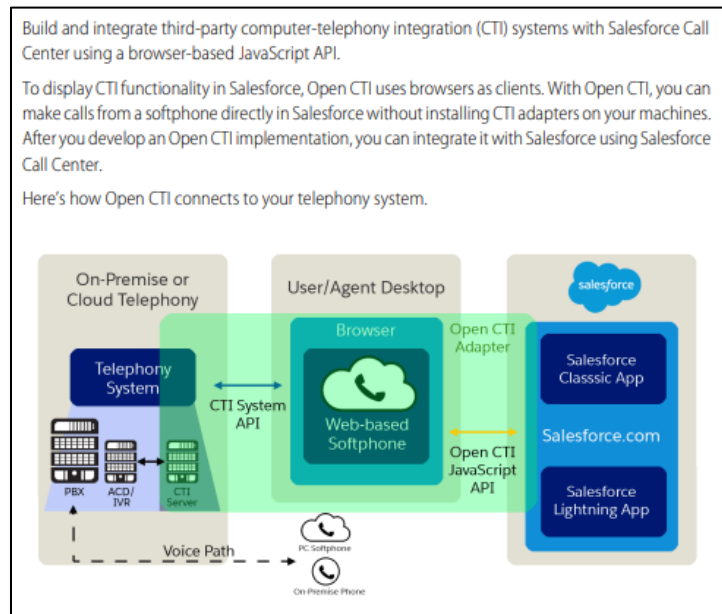
Source: <https://www.youtube.com/watch?v=iquldipQ9h0> ,Time Stamp: 2:34.



Source: <https://www.youtube.com/watch?v=UHXsKW0P1m4>,Time Stamp: 1:00.

13. The customizable softphones defined above can be created by the open CTI using a browser-based Java Script API. The below figure shows how the open CTI is connected to the

telephony system.



Source: https://blog.bessereau.eu/assets/pdfs/api_cti.pdf, Pg. 5, Exhibit G

14. For the incoming calls, screen popup settings can be set for the softphones for multiple-matching records where these records are configured from the third-party vendor, which gives the options to user to redirect to Visualforce page. Here in our case the account record of the customer is the visualforce page.

15. Screen popup are the alerts set by the admin for the incoming call to show the customer record. Event information consists of the customer-based records (e.g. opportunities, cases, and orders) in the Salesforce console set by the agent based on his preference.

8. In the Screen Pop Settings section (for inbound call types), click **Edit** next to each type of record-matching row to specify which screens should display when the details of an inbound call match or don't match existing records in Salesforce. The following table describes each record-matching row and its screen pop options:

RECORD-MATCHING ROW	DESCRIPTION	SCREEN POP OPTIONS
---------------------	-------------	--------------------

Multiple-matching records	Use to set the screen pop options for when the details of an inbound call match more than one existing Salesforce record.	Don't pop any screen Select if you don't want any screen to display.
		Pop to search page Select to display a search page.
		Pop to Visualforce page Select to display a specific Visualforce page. The CTI adapter passes data from the call to the Visualforce page via a URL. This includes at least ANI (the caller ID) and DNIS (the number that the caller dialed). The URL can pass more data to the Visualforce page if necessary.
		Pop to flow Select to display a specific flow. You can use active screen flows only.

Source: https://help.salesforce.com/articleView?id=cti_admin_phonelayoutscreate.htm&type=5, Pg. 4

16. For calling functionality, open CTI can create screen popups for the third-party vendor using the Salesforce console. This console is customizable by the admin.

You can use Open CTI to increase agent efficiency, configure your softphone, and complete many more tasks.

With Open CTI, you can:

- Set the height or width of a softphone
- Enable or disable click-to-dial
- Return a call center definition file's settings
- Determine if a user is in the Salesforce console
- Show or hide a softphone in the Salesforce console
- Return information about a page
- Execute an Apex method from an Apex class that's exposed in Salesforce
- Save or update an object in Salesforce
- Search keywords in Salesforce and screen pop any matching records as defined in a softphone layout

Before developing an Open CTI implementation, learn how to connect to Open CTI and review the best practices.

[Connect to Open CTI](#)


The first portion of any JavaScript code that uses the Open CTI must make the toolkit available to the JavaScript code. The syntax for this is different depending on whether you are embedding JavaScript in a Visualforce page or a page developed using any web technologies and served from a third-party domain.

Source: https://blog.bessereau.eu/assets/pdfs/api_cti.pdf, Pg-54, Exhibit G

screenPop () for Lightning Experience

Usage

Pops to a new location as specified by the input type and parameters. This method is available in API version 38.0 or later.

 **Note:** Open CTI for Lightning Experience doesn't support the softphone layout field `Screen pops open within` when the value is `New browser window or tab`. In Lightning Experience, the default value is `Existing browser window`.

Syntax

```
sforce.opencti.screenPop({
  type: sforce.opencti.SCREENPOP_TYPE.*, //Review the arguments section.
  params: object //Depends on the SCREENPOP_TYPE. Review the arguments section.
});
```

Source: https://blog.bessereau.eu/assets/pdfs/api_cti.pdf, Pg. 54, Exhibit G

17. Screen pop contains the object “SCREENPOP_TYPE.LIST” which navigate to the page of ListView component. ListView component represents a list view of records that a user owns or has read or writes access to and records that are shared.

Arguments

Name	Type	Description
type	string	The enumerated type to screen pop to. Use one of the following values: <ul style="list-style-type: none"> <code>sforce.opencti.SCREENPOP_TYPE.SUBJECT</code>

Name	Type	Description
		<ul style="list-style-type: none"> <code>sforce.opencti.SCREENPOP_TYPE.URL</code> <code>sforce.opencti.SCREENPOP_TYPE.OBJECTHOME</code> <code>sforce.opencti.SCREENPOP_TYPE.LIST</code> <code>sforce.opencti.SCREENPOP_TYPE.SEARCH</code> <code>sforce.opencti.SCREENPOP_TYPE.NEW_RECORD_MODAL</code> <code>sforce.opencti.SCREENPOP_TYPE.FLOW</code>

Source: https://blog.bessereau.eu/assets/pdfs/api_cti.pdf, Pg. 55.

- For LIST:

```
{ listViewId: string, scope: string }
```

For more information about the `listViewId` and `scope` parameter, see `force:navigateToList` in the *Lightning Aura Components Developer Guide*.

Source: https://blog.bessereau.eu/assets/pdfs/api_cti.pdf, Pg. 54

18. The below figure shows how to navigate to a specific List View (an example to display a list of Accounts here) set by the user. The list is displayed in the hierarchical order of importance set by the developer of the third party via the Salesforce platform.

A `lightning:listView` component represents a list view of records that you own or have read or write access to, and records shared with you. They also include records owned by or shared with users in roles below you in the role hierarchy. You can see only the fields that are visible according to your page layout and field-level security settings.

To create a list view, specify which object to render with the `objectApiName` attribute and which list view to use with the `listName` attribute. The list view doesn't require additional Apex controllers or Lightning Data Service to display record data.

This example displays a list view of Accounts with five rows. Each time "Load More" is clicked, five more rows are loaded and appended.

The action bar isn't shown at the top of the component and the per-row actions are also hidden. However, the search bar, mass inline editing and inline editing of individual cells are available.

```
<lightning:listView aura:id="listViewAccounts"
  objectApiName="Account"
  listName="AllAccounts"
  rows="5"
  showSearchBar="true"
  showActionBar="false"
  enableInlineEdit="true"
  showRowLevelActions="false"
/>
```

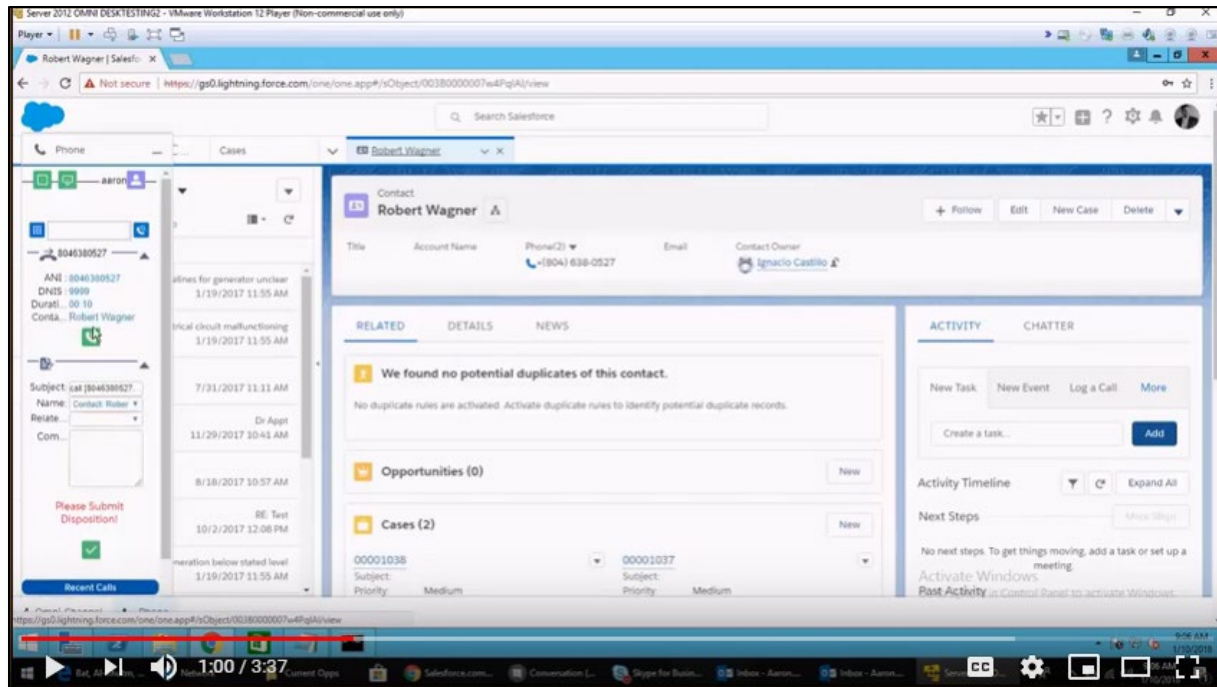
Source: <https://developer.salesforce.com/docs/component-library/bundle/lightning:listView/documentation>, Pg. 2, Exhibit H

The following objects are supported:

- Account
- Asset
- Campaign
- Case
- Contact
- ContentVersion
- Contract
- Entitlement
- EntityMilestone
- EnvironmentHubMember
- Lead
- MaintenancePlan
- OperatingHours
- Opportunity
- Order
- Product2
- Pricebook2

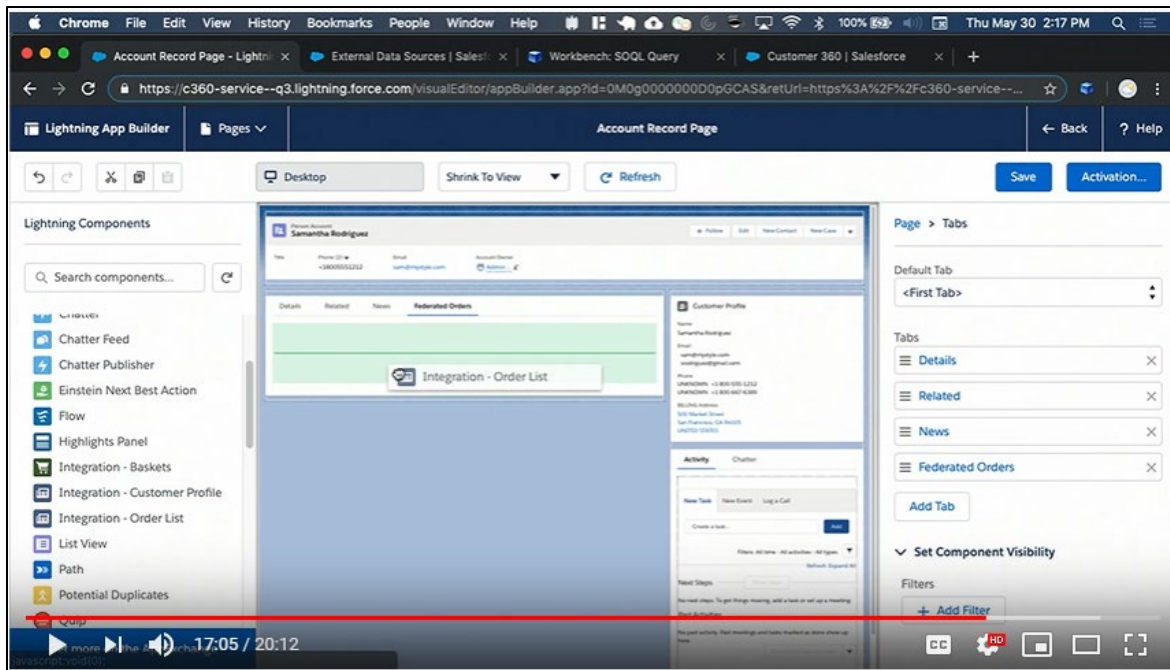
Source: <https://developer.salesforce.com/docs/component-library/bundle/lightning:listView/documentation>, Pg. 3, Exhibit H

19. In the example shown below, the recent activities stored in the call log are displayed in the popup screen during an incoming call, which has been set by the user as his preference. In this example, the first user-preferred event is “Opportunities” and the second user-preferred event is “Cases,” which are displayed in the hierarchy. Also, in “Cases,” the last activity or event Case 00001038 is shown before Case 00001037.



Source: <https://www.youtube.com/watch?v=UHXsKW0P1m4>, Time Stamp: 1:00, Exhibit F

20. In another example, Customer 360 has an object, which can be customized according to the admin. Admin can hierarchically customize the events based on specific users. Hence, the call center is integrated with Customer 360, and the agent can be given admin rights to customize the page according to his preference.



Source: https://www.youtube.com/watch?v=Ro4_3-dyhJQ, Time Stamp: 17:05, Exhibit E

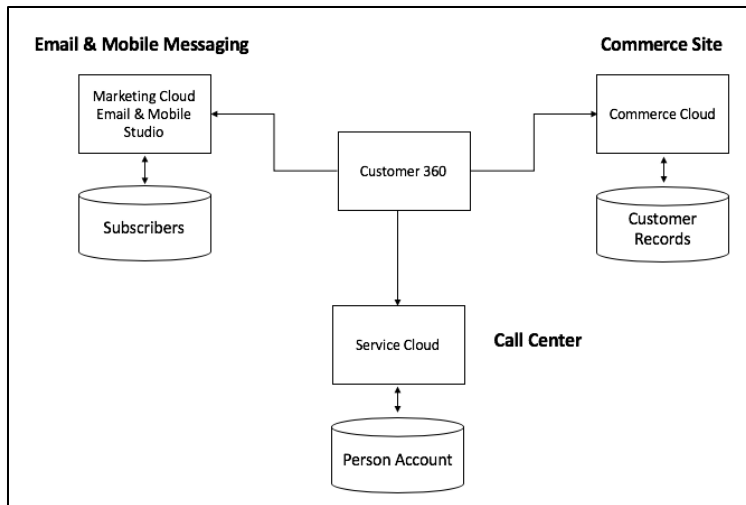
21. Salesforce Customer 360 is a new cross-cloud technology initiative that makes B2C Marketing, Commerce, and Service products work better together. Customer 360 creates and stores a customer profile and acts as a hub that exchanges data and events across the systems as needed. It integrates with the Salesforce call centre and helps exchange data and customer records on the softphone.

Salesforce Customer 360

Salesforce Customer 360 is a new cross-cloud technology initiative that makes our B2C Marketing, Commerce, and Service products work better together.

With Customer 360, administrators register their various instances of Marketing Cloud, Commerce Cloud, and Service Cloud.

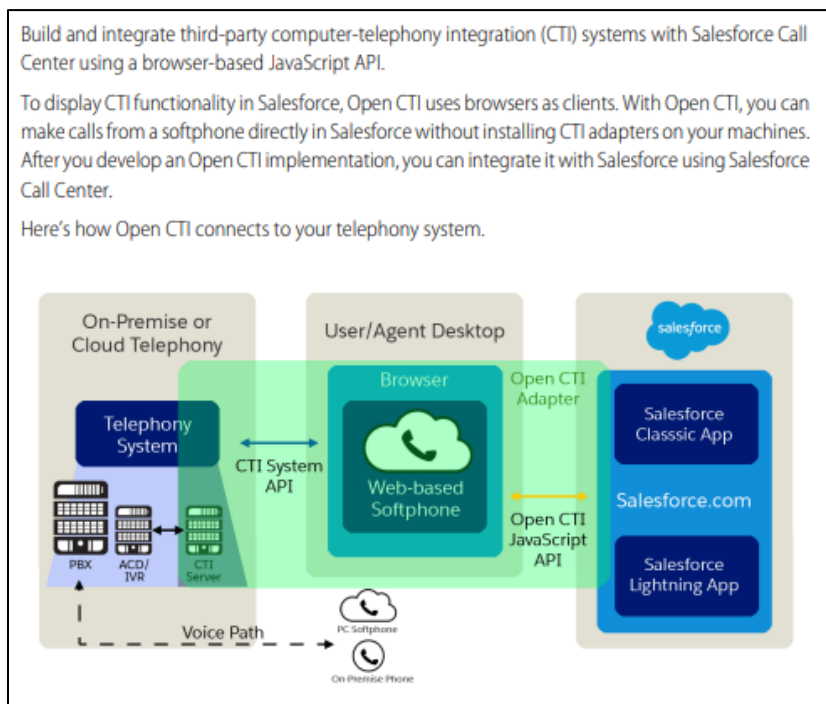
Source: <https://www.salesforce.com/blog/2018/09/what-is-salesforce-customer-360.html>, Pg-2, Exhibit I



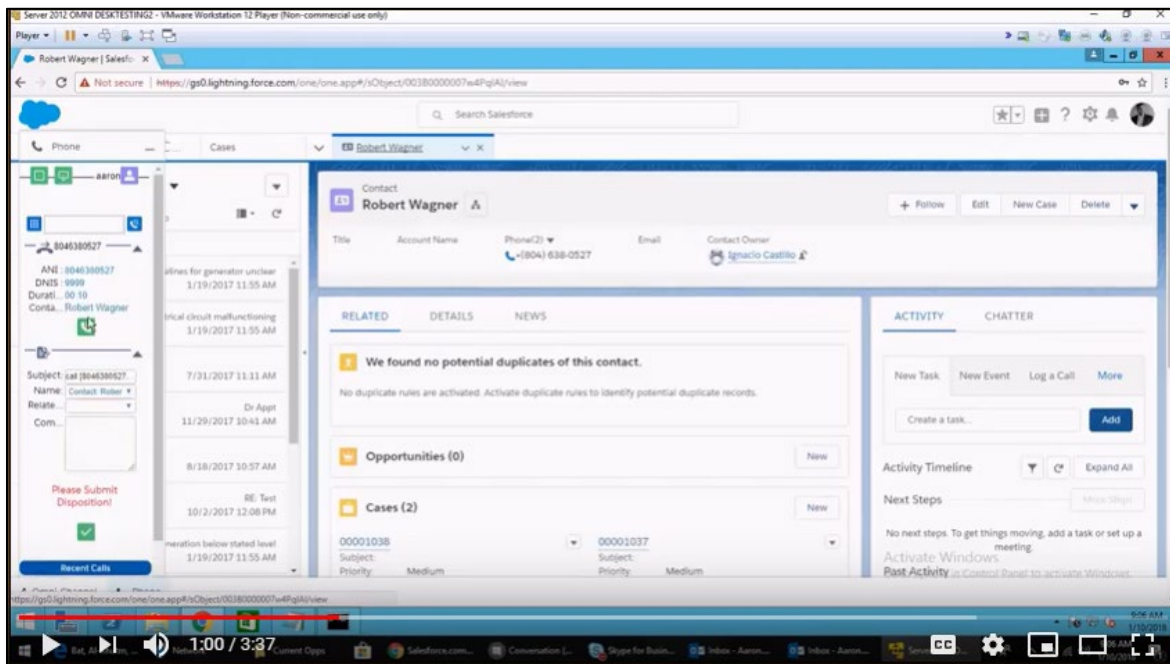
Source: <https://www.salesforce.com/blog/2018/09/what-is-salesforce-customer-360.html>, Pg. 3, Exhibit I

22. The call information log is automatically updated on the Salesforce platform by the telephony device connected by the Salesforce using CTI, which are integrated together.

23. This information is recorded and displayed during the screen popups of the incoming call, as shown in the examples displayed below.



Source: https://blog.bessereau.eu/assets/pdfs/api_cti.pdf, Pg. 5, Exhibit D



Source: <https://www.youtube.com/watch?v=UHXsKW0P1m4>, Time Stamp: 1:00, Exhibit F

24. In view of preceding paragraphs, each and every element of at least claim 1 of the '060 Patent is found in the Accused Products.

25. Salesforce continues to directly infringe at least one claim of the '060 Patent, literally or under the doctrine of equivalents, by making, using, selling, offering for sale, importing, and/or distributing the Accused Products in the United States, including within this judicial district, without the authority of Brazos.

26. Salesforce has received notice and actual or constructive knowledge of the '060 Patent since at least the date of service of this Complaint.

27. Since at least the date of service of this Complaint, through its actions, Salesforce has actively induced product makers, distributors, retailers, and/or end users of the Accused Products to infringe the '060 Patent throughout the United States, including within this judicial district, by, among other things, advertising and promoting the use of the Accused Products in

various websites, including providing and disseminating product descriptions, operating manuals, and other instructions on how to implement and configure the Accused Products. Examples of such advertising, promoting, and/or instructing include the documents at:

- https://help.salesforce.com/articleView?id=service_cloud.htm&type=5
- <https://www.youtube.com/watch?v=iqudilpQ9h0>
- <https://salesforce.com/in/form/conf/demo-sales>
- https://help.salesforce.com/articleView?id=cti_admin_phonelayoutscreate.htm&type=5
- <https://www.youtube.com/watch?v=iqudilpQ9h0>
- <https://www.youtube.com/watch?v=UHXsKW0P1m4>
- https://blog.bessereau.eu/assets/pdfs/api_cti.pdf
- <https://developer.salesforce.com/docs/component-library/bundle/lightning: listView/documentation>
- <https://www.salesforce.com/blog/2018/09/what-is-salesforce-customer-360.html>

28. Since at least the date of service of this Complaint, through its actions, Salesforce has contributed to the infringement of the ‘060 Patent by having others sell, offer for sale, or use the Accused Products throughout the United States, including within this judicial district, with knowledge that the Accused Products infringe the ‘060 Patent. The Accused Products are especially made or adapted for infringing the ‘060 Patent and have no substantial non-infringing use. For example, in view of the preceding paragraphs, the Accused Products contain functionality which is material to at least one claim of the ‘060 Patent.

JURY DEMAND

Brazos hereby demands a jury on all issues so triable.

REQUEST FOR RELIEF

WHEREFORE, Brazos respectfully requests that the Court:

- (A) Enter judgment that Salesforce infringes one or more claims of the '060 Patent literally and/or under the doctrine of equivalents;
- (B) Enter judgment that Salesforce has induced infringement and continues to induce infringement of one or more claims of the '060 Patent;
- (C) Enter judgment that Salesforce has contributed to and continues to contribute to the infringement of one or more claims of the '060 Patent;
- (D) Award Brazos damages, to be paid by Salesforce in an amount adequate to compensate Brazos for such damages, together with pre-judgment and post-judgment interest for the infringement by Salesforce of the '060 Patent through the date such judgment is entered in accordance with 35 U.S.C. § 284, and increase such award by up to three times the amount found or assessed in accordance with 35 U.S.C. § 284;
- (E) Declare this case exceptional pursuant to 35 U.S.C. § 285; and
- (F) Award Brazos its costs, disbursements, attorneys' fees, and such further and additional relief as is deemed appropriate by this Court.

Dated: December 18, 2020

Respectfully submitted,

/s/ James L. Etheridge

James L. Etheridge

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Texas State Bar No. 24061296

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