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.**	**CIVIL ACTION NO. 6:20-cv-1165** **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 busines in Austin.
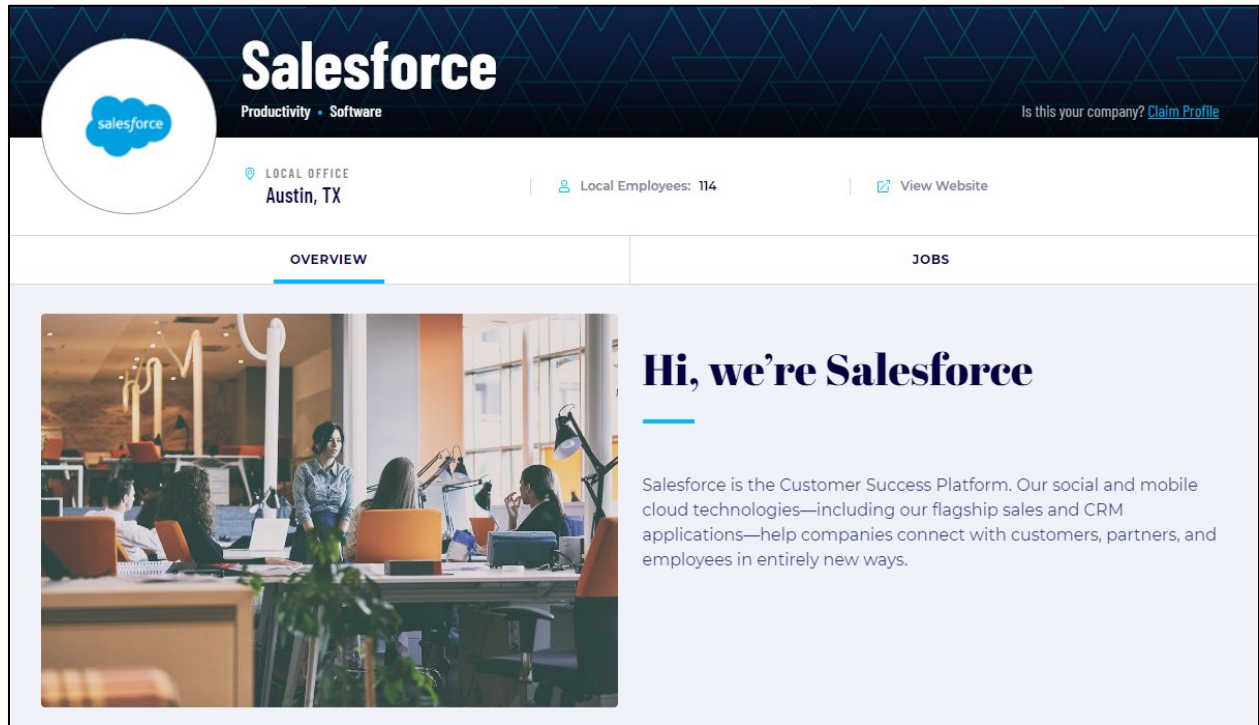
Source: https://www.builtinaustin.com/company/salesforce

COUNT ONE - INFRINGEMENT OF U.S. PATENT NO. 8,280,928

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

2.   On October 2, 2012, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 8,280,928 ("the '928 Patent"), entitled "Multi-level enmeshed directory structures." A true and correct copy of the '928 Patent is attached as Exhibit A to this Complaint.
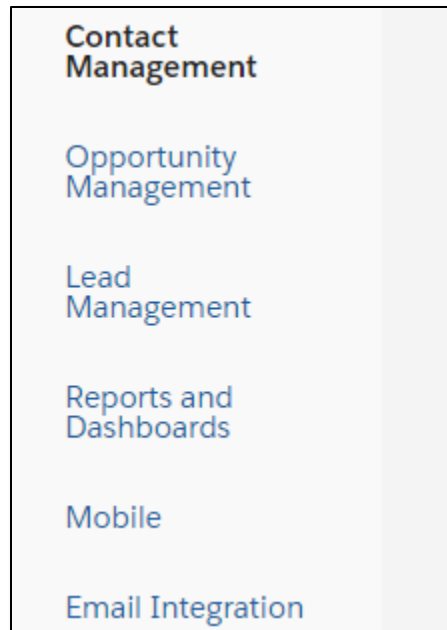
3.   Brazos is the owner of all rights, title, and interest in and to the '928 Patent, including the right to assert all causes of action arising under the '928 Patent and the right to any remedies for the infringement of the '928 Patent.

4.   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 Sales Cloud (collectively, the "Accused Products").
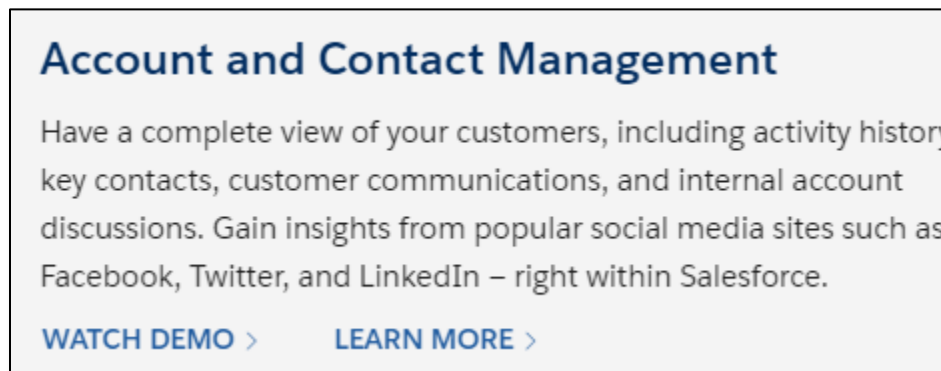
5.   Salesforce Sales Cloud is a Customer Relationship Management ("CRM") platform that provides services like Contact Management, Opportunity Management, and Lead Management. Sales Cloud Contact Management provides the complete view of a business's customers with customers' details, communications, active history, and internal account discussions.

Source: https://www.salesforce.com/products/sales-cloud/features/

Source: https://www.salesforce.com/products/sales-cloud/features/contact-management-software/

Source: https://www.salesforce.com/products/sales-cloud/features/
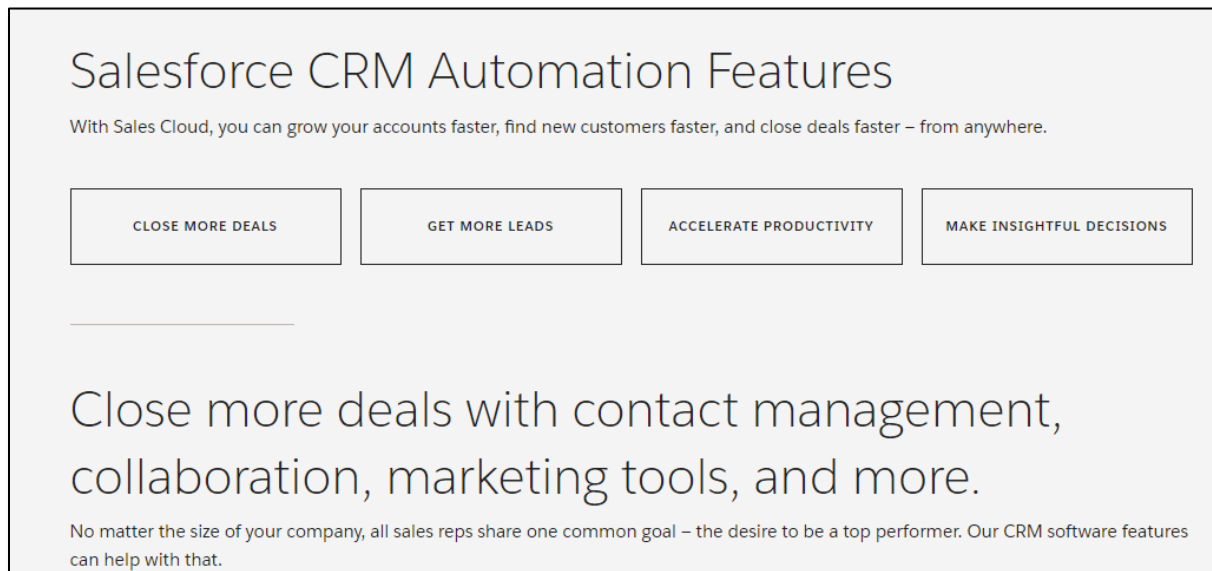
6.   Salesforce Sales Cloud provides multi-level hierarchy among contacts in a directory belonging to different accounts (e.g. customer organizations). The multi-level hierarchical structure enables the sales team to view the relationship between different accounts and the employees. The multi-level contact hierarchy provides a structured view of the relationship between one or more contacts.

Accounts are companies you have a relationship with and can include prospects, customers, partners, and competitors. Contacts are people associated with an account who matter to your business. They can include sponsors, decision makers, influencers, assistants, and partner liaisons.

Source: http://pages.mail.salesforce.com/gettingstarted/sales-cloud/set-up-accounts-and-contacts/

      7.   Salesforce Sales Cloud can store contact information (or, data objects) such as email, mobile number, and address for multiple contacts. Contact information for each contact is associated with a contact name and a reporting manager ("Reports to") field (i.e. descriptors). The "Reports to" field allows addition of the Manager to whom the user reports.

Source: https://www.youtube.com/watch?v=fmiUtHXMQKg

Reports To   The name of the contact's manager. Enter a contact name, or select a contact from the list.

Source: https://help.salesforce.com/articleView?id=contacts_fields.htm&type=5

8.   Salesforce Sales Cloud creates a relationship hierarchy among stored contact names (or, descriptors). For example, the below figure shows how contact Dina Thacker (e.g. descriptor) is related to the other Contacts (or, descriptors) of the organization according to the reporting hierarchy.

CONTACT > DINA THACKER **Contact Hierarchy**		
NAME	TITLE	PHONE
⌄ Kathy Fitzpatrick	President	(231) 555-1212
Brenda McClure	Chief Financial Officer	(231) 555-1212
⌄ Mark Metz	Chief Executive Officer	(231) 555-0100
Dina Thacker CURRENT	Director of Business Development	(692) 555-1212
> Sean Murphy	Director of Marketing	(231) 555-0100
> Steve McDonald	Director of Information Technology	(231) 555-1212

Source: https://help.salesforce.com/articleView?id=contacts_hierarchy_lex.htm&type=5

9.   Salesforce Sales Cloud creates one or more descriptors associated with the data object. Each of the descriptors are further associated with one or more corresponding descriptors, thereby forming a multi-level relational tree.

10.   Salesforce Sales Cloud enables users to add or create contact information (e.g., data object) such as mobile number, email, and address. The contacts can then be allocated to a reporting manager by filling the "reports to" field as shown.

Source: https://www.youtube.com/watch?v=fmiUtHXMQKg

Source: https://help.salesforce.com/articleView?id=contacts_fields.htm&type=5

11.   Salesforce Sales Cloud allows its users to generate the multi-level hierarchy for any of his or her contacts by selecting contact information (e.g., data object) such as email, mobile, or address. The user can provide descriptors for contact information in the form of contact name and "reports to" field. The "reports to" field enable a user to add the contact name of Manager whom the user reports to. This associates a contact name to another contact name (e.g. reporting manager). In this manner, the contact name and "reports to" fields for all contacts create a multi-level relational tree. The multi-level hierarchal view of contacts can be accessed by clicking on the view contact hierarchy.
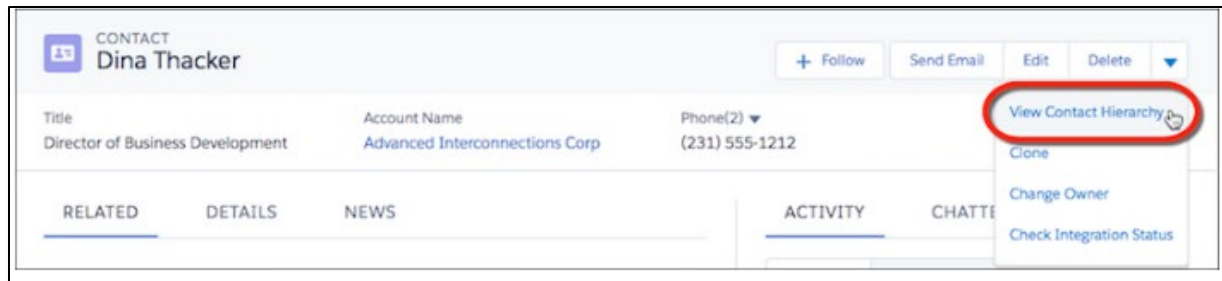
Source: https://help.salesforce.com/articleView?id=contacts_hierarchy_lex.htm&type=5

12.   The multi-level hierarchical contact directory associates each of the contact names with one or more other contact names with respect to reporting managers. For example, the below figures show which member reports to whom in a hierarchical manner, hence providing multi-level relations.

Source: https://help.salesforce.com/articleView?id=contacts_hierarchy_lex.htm&type=5

13.   Salesforce Sales Cloud allows an authorized user of the sales team to view, edit, and delete these contact hierarchies, as shown in the figure below.

USER PERMISSIONS NEEDED	
To view contact hierarchies:	Read on contacts
To create contact hierarchies:	Edit on contacts
To add, edit or delete hierarchy columns:	Modify All Data

Source: https://help.salesforce.com/articleView?id=contacts_hierarchy_lex.htm&type=5

14.   Salesforce Sales Cloud determines the relationship between the one or more descriptors.

15.   Salesforce Sales Cloud provides a hierarchical relationship between one or more user contact names (e.g., descriptors). The hierarchical relationship is determined based on the job role (e.g., reporting manager) of these contacts in their organization.

CONTACT > DINA THACKER

Contact Hierarchy

NAME	TITLE	PHONE
⌄ Kathy Fitzpatrick	President	(231) 555-1212
Brenda McClure	Chief Financial Officer	(231) 555-1212
⌄ Mark Metz	Chief Executive Officer	(231) 555-0100
Dina Thacker CURRENT	Director of Business Development	(692) 555-1212
› Sean Murphy	Director of Marketing	(231) 555-0100
› Steve McDonald	Director of Information Technology	(231) 555-1212

Source: https://help.salesforce.com/articleView?id=contacts_hierarchy_lex.htm&type=5

Hierarchies show who reports to whom according to the Reports To field. If the Reports To field is empty, the associated hierarchy or org chart shows only one person, regardless of how many contacts are assigned to the account.

Source: https://help.salesforce.com/articleView?id=contacts_hierarchy_lex.htm&type=5

16.   Salesforce Sales Cloud creates a hierarchical structure linking the different levels of descriptors.

17.   Salesforce Sales Cloud creates a hierarchical structure of the contacts associated with different user accounts. The hierarchical structure is based on the job role of each user, which places contact names (or, descriptors) at different levels. For example, a contact name is placed at a different level than their contact manager.

CONTACT > DINA THACKER **Contact Hierarchy**		
NAME	TITLE	PHONE
⌄ Kathy Fitzpatrick	President	(231) 555-1212
Brenda McClure	Chief Financial Officer	(231) 555-1212
⌄ Mark Metz	Chief Executive Officer	(231) 555-0100
Dina Thacker **CURRENT**	Director of Business Development	(692) 555-1212
> Sean Murphy	Director of Marketing	(231) 555-0100
> Steve McDonald	Director of Information Technology	(231) 555-1212

Source: https://help.salesforce.com/articleView?id=contacts_hierarchy_lex.htm&type=5

18.   Salesforce Sales Cloud updates a corresponding database.

19.   Salesforce Sales Cloud provides the facility for updating the changes performed by users in a single cloud database. An authorized user can edit contact information in the contact hierarchy of the Sales Cloud. Hence, any changes performed by users in hierarchy are also updated in this cloud database.

USER PERMISSIONS NEEDED	
To view contact hierarchies:	Read on contacts
To create contact hierarchies:	Edit on contacts
To add, edit or delete hierarchy columns:	Modify All Data

Source: https://help.salesforce.com/articleView?id=contacts_hierarchy_lex.htm&type=5

Salesforce Is Fully Cloud-Based As mentioned above, basing a CRM solution in the cloud means that users can access its full functionality, without having to install costly in-house hardware or computer servers. No hardware means you'll be up and running and positively impacting your business in no time at all. With Salesforce CRM software, everything comes to you—accounts and contacts, leads and opportunities, forecasting, analytics, contact management, notifications, etc.—creating a powerful workflow built on the App Cloud, so you can customize the Sales Cloud to your business requirements. Here's why Salesforce is #1 CRM for all businesses

Source: https://www.salesforce.com/crm/

20.   Salesforce Sales Cloud identifies a single initial descriptor that links a plurality of descriptors and two or more predecessor descriptors linking another single descriptor to thereby establish relationships between different descriptors relative to themselves and to the single initial descriptor.

21.   Salesforce Sales Cloud provides the multi-level hierarchy among contact names by identifying a single initial contact name (e.g., descriptor) and one or more contact names that are linked with this single initial contact name. The single initial contact name may also be linked to multiple predecessor contact names (e.g, reporting managers). The predecessor contact names can include other single contact names. This creates a relationship among single initial contact name and other contacts associated with this initial contact name and the predecessor contacts.

22.   For example, the contact named "Alice Black" (or, single initial descriptor) links one or more contact names (or, descriptors) (e.g. Juniper Birsch, George Dapper, and John Downes). The initial descriptor (e.g. Alice Black) is also linked to two or more predecessor descriptors (e.g. Mr. Jerry and Smith) linking to another single descriptor (e.g. Laura Black). This creates a hierarchical relationship between different descriptors (or contact names) relative to themselves and to the single initial descriptor (in this case, Alice Black).

Source: http://www.infallibletechie.com/2016/09/contact-hierarchy-in-salesforce.html
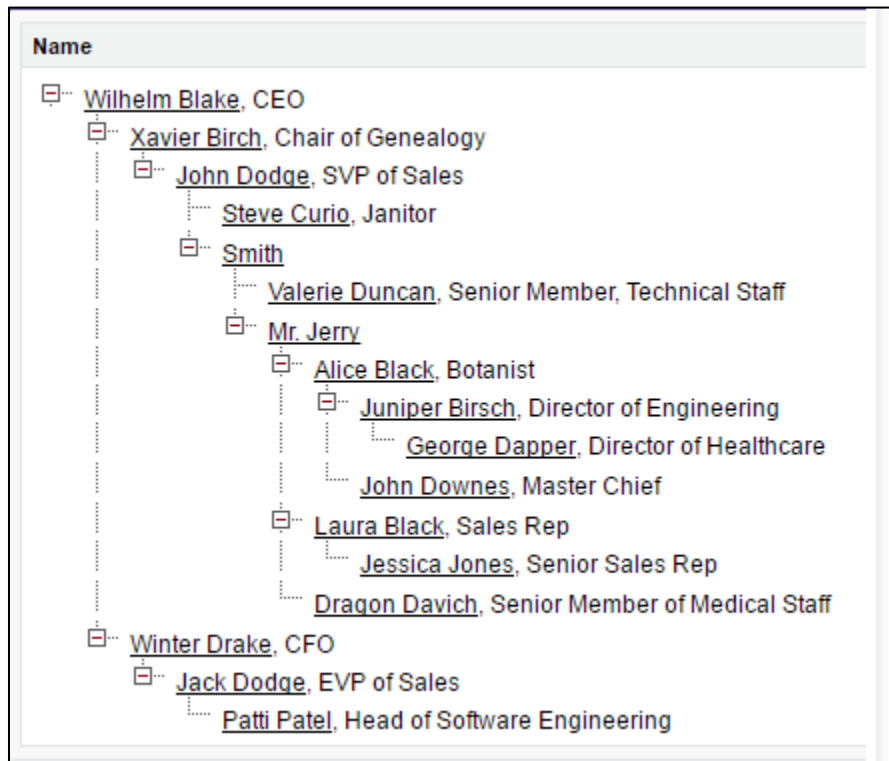
23.   In view of preceding paragraphs, each and every element of at least claim 1 of the '928 Patent is found in the Accused Products.

24.   Salesforce continues to directly infringe at least one claim of the '928 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 '928 Patent since at least the date of service of this Complaint.

26.   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 '928 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://www.salesforce.com/products/sales-cloud/features/

- https://www.salesforce.com/products/sales-cloud/features/contact-management-software/

- https://help.salesforce.com/articleView?id=contacts_hierarchy_lex.htm&type=5

- https://www.youtube.com/watch?v=fmiUtHXMQKg

- http://pages.mail.salesforce.com/gettingstarted/sales-cloud/set-up-accounts-and-contacts/

- https://www.salesforce.com/crm/

- http://www.infallibletechie.com/2016/09/contact-hierarchy-in-salesforce.html

- https://help.salesforce.com/articleView?id=contacts_fields.htm&type=5

27.   Since at least the date of service of this Complaint, through its actions, Salesforce has contributed to the infringement of the '928 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 '928 Patent. The Accused Products are

especially made or adapted for infringing the '928 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 '928 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 '928 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 '928 Patent;

(C)   Enter judgment that Salesforce has contributed to and continues to contribute to the infringement of one or more claims of the '928 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 '928 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
Texas State Bar No. 24059147
Ryan S. Loveless
Texas State Bar No. 24036997
Travis L. Richins
Texas State Bar No. 24061296
ETHERIDGE LAW GROUP, PLLC
2600 E. Southlake Blvd., Suite 120 / 324
Southlake, Texas 76092
Telephone: (817) 470-7249
Facsimile: (817) 887-5950
Jim@EtheridgeLaw.com
Ryan@EtheridgeLaw.com
Travis@EtheridgeLaw.com

COUNSEL FOR PLAINTIFF