

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

VILOX TECHNOLOGIES, LLC AND)	
VILOX, LLC,)	
Plaintiff,)	
)	Civil Action No. 6:22-cv-01255
v.)	
)	
SALESFORCE, INC.,)	JURY TRIAL DEMANDED
Defendant.)	

PLAINTIFF’S ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

VILOX, LLC (“Vilox” or “Plaintiff”) files this Original Complaint and demand for jury trial seeking relief from patent infringement of the claims of U.S. Patent No. 6,760,720 (“the ‘720 patent”) and U.S. Patent No. 7,188,100 (“the ‘100 patent”) (referred to as the “Patents-in-Suit”) by SALESFORCE, INC. (“Salesforce” or “Defendant”).

I. THE PARTIES

1. Plaintiff Vilox Technologies, LLC is a Texas Limited Liability Company with its principal place of business located in Austin, Texas.

2. Plaintiff Vilox, LLC is a Texas Limited Liability Company with its principal place of business located in Austin, Texas. Collectively, Vilox Technologies, LLC and Vilox, LLC are referred to as Vilox.

3. On information and belief, Salesforce, Inc. is a corporation organized under the laws of the State of Delaware having a principal place of business at 415 Mission Street, 3rd Floor, San Francisco, CA 94105. On information and belief, Salesforce has an office in this District, located at 600 Congress Ave., Austin, Texas 78701. On information and belief, Salesforce sells and offers to sell products and services throughout Texas, including in this judicial district, and introduces products and services that perform infringing methods or processes into the stream of

commerce knowing that they would be sold in Texas and this judicial district. Salesforce can be served with process through their registered agent, CT Corporation System, 1999 Bryan Street, Suite 900, Dallas, Texas 75201, or wherever they may be found.

II. JURISDICTION AND VENUE

4. This Court has original subject-matter jurisdiction over the entire action pursuant to 28 U.S.C. §§ 1331 and 1338(a) because Plaintiff's claims arise under an Act of Congress relating to patents, namely, 35 U.S.C. § 271.

5. This Court has personal jurisdiction over Defendant because: (i) Defendant is present within or has minimum contacts within the State of Texas and this judicial district; (ii) Defendant has purposefully availed itself of the privileges of conducting business in the State of Texas and in this judicial district; and (iii) Plaintiff's cause of action arises directly from Defendant's business contacts and other activities in the State of Texas and in this judicial district.

6. Venue is proper in this district under 28 U.S.C. §§ 1391(b) and 1400(b). Defendant has committed acts of infringement and has a regular and established place of business in this District. Further, venue is proper because Defendant conducts substantial business in this forum, directly or through intermediaries, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct and/or deriving substantial revenue from goods and services provided to individuals in Texas and this District.

III. KNOWLEDGE AND SPECIFIC INTENT TO INFRINGE

7. The head patent counsel for Salesforce, Inc., David Simon, as well as other Salesforce patent attorneys, met in person with attorneys representing Vilox, and on one occasion, with Dr.

Joseph L. DeBellis, owner of Vilox, Inc. to discuss a possible license to the Vilox portfolio by Salesforce. During this meeting, the Vilox presented to David Simon and the other attorneys, the information contained in this paper regarding the '720 and '100 Patents.

8. Specifically, in the fall of 2016 Vilox attorneys approached Salesforce with an offer of a license to the Vilox patents. One of these attorneys had been encouraged to do so during a previous post grant action involving Salesforce and an unrelated patent owner during which Salesforce attorney Daniel Reed stated that Salesforce would prefer to engage in license negotiations as an alternative to defending a patent infringement lawsuit. Accordingly, attorneys for Vilox set up a meeting at Salesforce's headquarters for early 2017, and provided Salesforce IP attorneys with information related to the Vilox patent portfolio.

9. On or about February 15, 2017, three Vilox attorneys travelled to Salesforce in San Francisco to discuss a possible license, including showing claim charts. The meeting was supposed to be attended by David Simon, head of IP for Salesforce; instead, he sent two junior attorneys. Those attorneys suggested Vilox provide further claim charts to Salesforce. In March of 2017, Vilox provided Salesforce with detailed claim charts for the Vilox patents. In June of 2017, Dr. DeBellis and three attorneys travelled to San Francisco and met with David Simon. Mr. Simon stated he knew Vilox Technologies to be a patent troll. Dr. DeBellis countered that Vilox merely held the IP that was licensed to an operating company, Virtual Logistix, Inc., located in Louisville, Kentucky, and that Virtual Logistix had for many years sold software solutions to government and non-government entities. In response, Mr. Simon asked for more information, which he would then consider.

10. Shortly after this last meeting, Unified Patents, Inc. file a Petition for Inter Partes Review challenging some, but not all, claims of the '423 Patent.

IV. INFRINGEMENT - Infringement of the '720 Patent

11. On July 6, 2004, U.S. Patent No. 6,760,720 (“the ‘720 patent”, attached as Exhibit A) entitled “Search-on-the-Fly/Sort-on-the-Fly Search Engine for Searching Databases,” was duly and legally issued by the U.S. Patent and Trademark Office. Vilox owns the ‘720 patent by assignment.

12. The ’720 patent relates to a novel and improved method and apparatus for conducting on-the-fly searches providing users with an intuitive mechanism for searching databases, allowing a user to access data in the database without having to know the structure of the database.

13. Salesforce makes, uses, sells and/or offers for sale within this District and elsewhere in the United States and/or imports into this District and elsewhere in the United States, products or services that, among other features, includes receiving a selection of one or more databases, generating a list of data fields that include a descriptor indicating a data category, receiving a search selection for a data field from the list of data fields, determining a quantity of entries in the selected database field, determining if the number of entries in the database field is equal to or less than a specified number of entries or if the number of entries does not exceed the specified amount, and if in excess of the specified amount reducing the number of characters displayed to the user, that infringes one or more of claims 1-39 of the ’720 patent, including one or more of those claims, literally or under the doctrine of equivalents. Defendant put the inventions claimed by the ‘720 patent into service (i.e., used them); but for Defendant’s actions, the claimed-invention embodiments involving Defendant’s products and services would never have been put into service. Defendant’s acts complained of herein caused those claimed-invention embodiments as a whole to perform, and Defendant’s procurement of monetary and commercial benefit from it.

14. The Accused Instrumentalities are embodied in Salesforce Search and generally relate to retrieval, search, generation of results, and truncation of displayed characters performed within Salesforce Search.

15. Support for the allegations of infringement may be found in the chart attached as Exhibit B.

16. These allegations of infringement are preliminary and are therefore subject to change.

17. Defendant's infringing actions are without license and authorization.

18. Defendant has and continues to induce infringement from at least the filing date of the lawsuit. Defendant has actively encouraged or instructed others (e.g., its customers and/or the customers of its related companies), and continues to do so, on how to use its products and services (e.g., via Salesforce Search implementing a method to retrieve, and search records, generate results, and display results) and related products and services such as to cause infringement of one or more of claims 1-39 of the '720 patent, literally or under the doctrine of equivalents. Defendant, from at least the filing date of the lawsuit, has continued to encourage and instruct others on how to use the products showing specific intent. Moreover, Defendant has known of the '720 patent and the technology underlying it from at least the filing date of the lawsuit.¹ For clarity, direct infringement is previously alleged in this complaint.

19. Defendant has and continues to contributorily infringe from at least the filing date of the lawsuit. Defendant has actively encouraged or instructed others (e.g., its customers and/or the customers of its related companies), and continues to do so, on how to use its products and services (e.g., via Salesforce Search implementing a method to retrieve, and search records,

¹ Plaintiff reserves the right to amend and add inducement pre-suit if discovery reveals an earlier date of knowledge.

generate results, and display results) and related products and services such as to cause infringement of one or more of claims of the '720 patent, literally or under the doctrine of equivalents. Defendant, from at least 2017, has continued to encourage and instruct others on how to use the products showing specific intent. Further, there are no substantial noninfringing uses for Defendant's products and services. Moreover, Defendant has known of the '720 patent and the technology underlying it from at least 2017.² For clarity, direct infringement is previously alleged in this complaint.

20. Defendant has caused and will continue to cause Vilox damage by direct and indirect infringement of (including inducing infringement of) the claims of the '720 patent.

V. INFRINGEMENT - Infringement of the '100 Patent

21. On March 6, 2007, U.S. Patent No. 7,188,100 ("the '100 patent", attached as Exhibit C) entitled "Search-on-the-Fly Report Generator," was duly and legally issued by the U.S. Patent and Trademark Office. Vilox owns the '100 patent by assignment.

22. The '100 patent relates to a novel and improved method and apparatus for taking the results of a search using a search-on-the-fly search engine (or other search engine), generating a search result that includes descriptors of data categories, and creating a template that includes a link or path to one or more fields in one or more databases.

23. Salesforce makes, uses, sells and/or offers for sale within this District and elsewhere in the United States and/or imports into this District and elsewhere in the United States, products or services that, among other features, includes receiving a database query, searching a database on-the-fly based on the query using a search-on-the-fly search engine (or other search engine), tweaking the received query to generate a defined query of the database, accessing the

² Plaintiff reserves the right to amend and add inducement pre-suit if discovery reveals an earlier date of knowledge.

database using the defined query, generating a search result that includes descriptors of data categories, and creating a template that includes a link or path to one or more fields in one or more databases, including but not limited to the search features and report features of the Salesforce Report Builder, the Lightning Platform, and Visualforce, that infringes one or more of claims 1-38 of the '100 patent, literally or under the doctrine of equivalents. Defendant put the inventions claimed by the '100 patent into service (i.e., used them); but for Defendant's actions, the claimed-invention embodiments involving Defendant's products and services would never have been put into service. Defendant's acts complained of herein caused those claimed-invention embodiments as a whole to perform, and Defendant's procurement of monetary and commercial benefit from it.

24. Support for the allegations of infringement may be found in the chart attached as Exhibit D.

25. These allegations of infringement are preliminary and are therefore subject to change.

26. Defendant's infringing actions are without license and authorization.

27. Defendant has and continues to induce infringement from at least the filing date of the lawsuit. Defendant has actively encouraged or instructed others (e.g., its customers and/or the customers of its related companies), and continues to do so, on how to use its products and services (e.g., utilizing search features and report features embodied in Defendant's products or services including but not limited to Salesforce Report Builder, the Lightning Platform, and/or Visualforce, for receiving a search request, , searching a database on-the-fly based on the query using a search-on-the-fly search engine (or other search engine), tweaking the received query to generate a defined query of the database, accessing the database using the defined query, generating a search result that includes descriptors of data categories, and creating a template that includes a link or

path to one or more fields in one or more databases) and related products and services such as to cause infringement of one or more of claims 1-38 of the ‘100 patent, literally or under the doctrine of equivalents. Defendant, from at least 2017, has continued to encourage and instruct others on how to use the products showing specific intent. Moreover, Defendant has known of the ‘100 patent and the technology underlying it from at least 2017.³ For clarity, direct infringement is previously alleged in this complaint.

28. Defendant has and continues to contributorily infringe from at least the filing date of the lawsuit. Defendant has actively encouraged or instructed others (e.g., its customers and/or the customers of its related companies), and continues to do so, on how to use its products and services (e.g., utilizing search features and report features embodied in Defendant’s products or services including but not limited to Salesforce Report Builder, the Lightning Platform, and/or Visualforce, for receiving a search request, , searching a database on-the-fly based on the query using a search-on-the-fly search engine (or other search engine), tweaking the received query to generate a defined query of the database, accessing the database using the defined query, generating a search result that includes descriptors of data categories, and creating a template that includes a link or path to one or more fields in one or more databases) and related products and services such as to cause infringement of one or more of claims of the ‘100 patent, literally or under the doctrine of equivalents. Defendant, from at least 2017, has continued to encourage and instruct others on how to use the products showing specific intent. Further, there are no substantial noninfringing uses for Defendant’s products and services. Moreover, Defendant has known of the ‘100 patent and the technology underlying it from at least 2017.⁴ For clarity, direct infringement is previously alleged in this complaint.

³ Plaintiff reserves the right to amend and add inducement pre-suit if discovery reveals an earlier date of knowledge.

⁴ Plaintiff reserves the right to amend and add inducement pre-suit if discovery reveals an earlier date of knowledge.

29. Defendant has caused and will continue to cause Vilox damage by direct and indirect infringement of (including inducing infringement of) the claims of the '100 patent.

VI. JURY DEMAND

Plaintiff hereby requests a trial by jury on issues so triable by right.

VII. PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for relief as follows:

- a. enter judgment that Defendant has infringed the claims of the '720 patent and the '100 patent through selling, offering for sale, manufacturing, and inducing others to infringe by using and instructing to implement a method to retrieve, and search records using a search-on-the-fly search engine (or other search engine), generating a search result that includes descriptors of data categories, and creating a template that includes a link or path to one or more files in one or more databases;
- b. award Plaintiff damages in an amount sufficient to compensate it for Defendant's infringement of the Patents-in-Suit in an amount no less than a reasonable royalty or lost profits, together with pre-judgment and post-judgment interest and costs under 35 U.S.C. § 284;
- c. award Plaintiff an accounting for acts of infringement not presented at trial and an award by the Court of additional damage for any such acts of infringement;
- d. declare this case to be "exceptional" under 35 U.S.C. § 285 and award Vilox its attorneys' fees, expenses, and costs incurred in this action;
- e. declare Defendant's infringement to be willful and treble the damages, including attorneys' fees, expenses, and costs incurred in this action and an increase in the damage award pursuant to 35 U.S.C. § 284;

- f. a decree addressing future infringement that either (if) awards a permanent injunction enjoining Defendant and its agents, servants, employees, affiliates, divisions, and subsidiaries, and those in association with Defendant from infringing the claims of the Patents-in-Suit, or (ii) awards damages for future infringement in lieu of an injunction in an amount consistent with the fact that for future infringement the Defendant will be an adjudicated infringer of a valid patent, and trebles that amount in view of the fact that the future infringement will be willful as a matter of law; and
- g. award Vilox such other and further relief as this Court deems just and proper.

Respectfully submitted,

Ramey LLP

/s/ William P. Ramey, III

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