

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MICHAEL PHILIP KAUFMAN,

Plaintiff,

v.

SALESFORCE.COM, INC.,

Defendant.

No. 1:20-cv-6879

**COMPLAINT FOR PATENT
INFRINGEMENT**

JURY TRIAL DEMANDED

Plaintiff MICHAEL PHILIP KAUFMAN (“Plaintiff”), as and for his complaint against the defendant, salesforce.com, inc. (“Salesforce”), alleges as follows:

NATURE OF THE ACTION

1. This is an action against Salesforce for patent infringement. The patents asserted herein concern technology for automatically generating a user interface to work with the data in a relational database and related systems and methods. Plaintiff alleges herein that Salesforce’s online CRM (Customer Relationship Management) services infringe the asserted patents.

THE PARTIES

2. Plaintiff is an individual who resides in this District.
3. Upon information and belief, Salesforce is a Delaware corporation with several offices in this District, including offices at 1095 Avenue of the Americas and 685 Third Avenue in New York, New York.

JURISDICTION AND VENUE

Subject Matter Jurisdiction

4. This action is for patent infringement and arises under 35 U.S.C. § 271 et seq. This Court has subject matter jurisdiction thereof pursuant to 28 U.S.C. §§ 1331, 1338(a) and 1367.

Personal Jurisdiction

5. This Court has personal jurisdiction over Salesforce under 28 U.S.C. § 1694, Rule 4(k)(1)(A) & (C), Fed. R. Civ. P., and the laws of the State of New York, including New York C.P.L.R. §§ 301, 302(a)(1)-(4).

6. Jurisdiction over Salesforce exists in this District under 28 U.S.C. § 1694 and Rule 4(k)(1)(C), Fed. R. Civ. P., in that Salesforce is not a resident of this District, but has a regular and established place of business in this District, including without limitation each of Salesforce's offices in New York City referenced above, at which Salesforce has agents conducting such business. Through those agents in this District, Salesforce is regularly engaged in carrying on a substantial part of its ordinary business on a permanent basis from several physical locations within the District, over which activity Salesforce exercises a substantial measure of control. The leading one of these Salesforce locations within the District is at 1095 Avenue of the Americas in New York City, in a building overlooking Bryant Park, the "Salesforce" branding applied to the entire building in giant letters at its top, visible from great distances as part of the New York City Skyline. Other locations at which Salesforce employs agents to conduct its business in this District include (without limitation) its offices at 685 Third Avenue in New York City. Because Salesforce has such a presence in this District, it may be validly served with process in this District, by serving its agents conducting said business, and

such service establishes personal jurisdiction over Salesforce in this District, pursuant to 28 U.S.C. § 1694 (*Ruddies v. Auburn Spark Plug Co.*, 261 F. Supp. 648, 651-52 (S.D.N.Y. 1966)), and Rule 4(k)(1)(C), Fed. R. Civ. P. (“Serving a summons ... establishes personal jurisdiction over a defendant ... (C) when authorized by a federal statute”).

7. In addition, a wholly separate basis for personal jurisdiction over Salesforce also exists under New York CPLR 302(a) and Rule 4(k)(1)(A), Fed. R. Civ. P., in that Salesforce transacts business within New York (*e.g.*, its sales activities within the State), to supply services that Salesforce performs in an infringing manner as hereinafter set forth (*e.g.*, by operating its servers that run the accused Salesforce CRM systems). Salesforce thereby commits tortious acts outside the State causing injury within the State to the person or property of Plaintiff (who resides in this State as stated above).

Venue

8. Venue is proper in this judicial District pursuant to 28 U.S.C. § 1400(b), in that Salesforce (i) has committed acts of infringement in this District, including without limitation as alleged in paragraph 37 hereof, whereby Salesforce acts through its agents in this District to induce infringement of Plaintiff’s patents, which induced infringement takes place in this District, and (ii) has a regular and established place of business in this District (as alleged in paragraph 6 hereof).

STATEMENT OF FACTS

The Asserted Patents

9. Plaintiff is the first named inventor and assignee of the entire interest of U.S. Patent No. 7,885,981 (the “’981 patent”) (Exhibit A hereto), U.S. Patent No. 10,025,801 (the “’801 patent”) (Exhibit B hereto) and has pending U.S. Patent App. S/N 16/034,696, which was

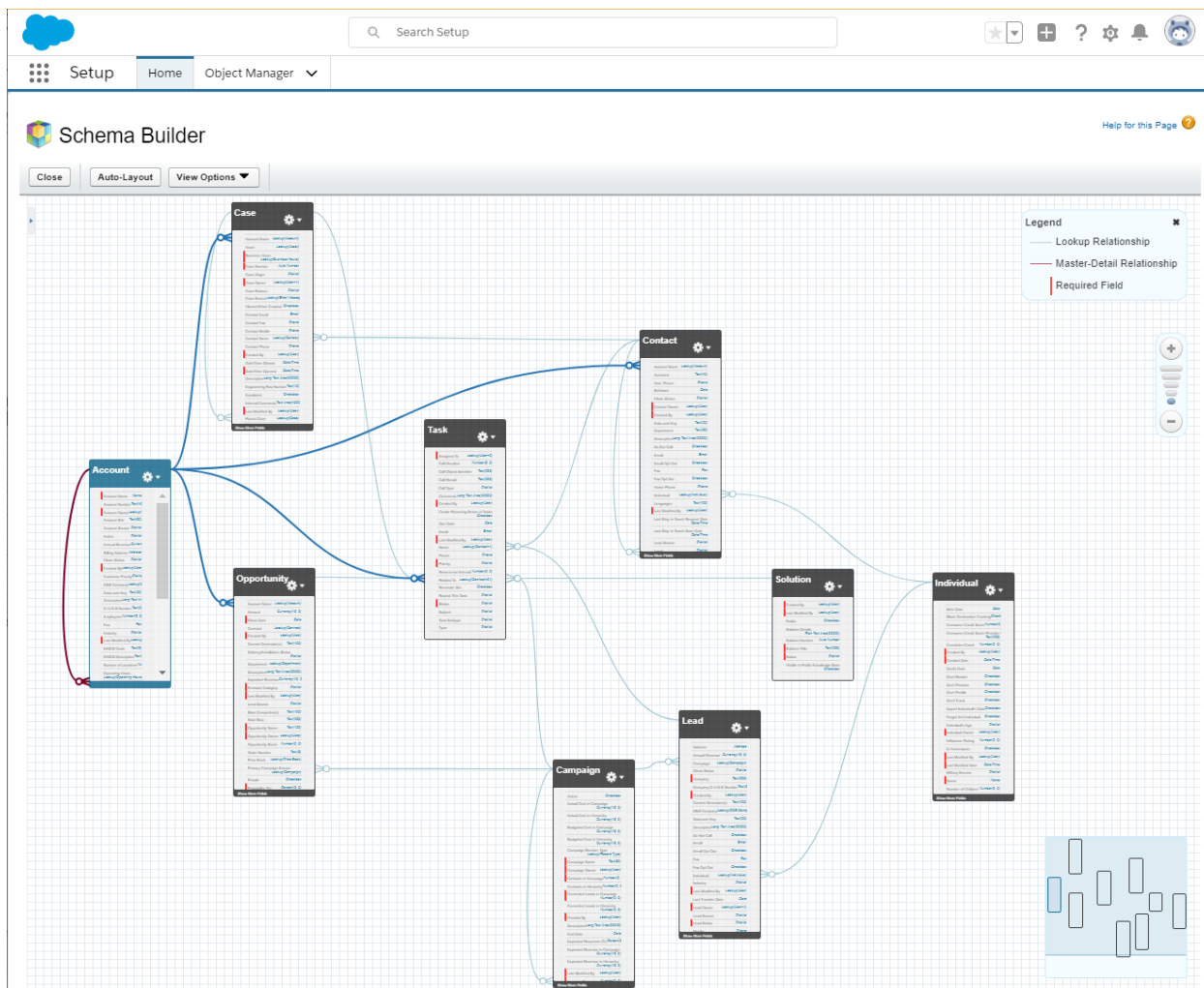
published as U.S. Patent Publication No. 2019/0095173 A1 (the '173 publication) (Exhibit C hereto) and which, when granted, will be added to this complaint by amendment (the foregoing being collectively referred to herein as the “Asserted Patents”). Each of the Asserted Patents is incorporated herein by reference.

Salesforce’s CRM Services

10. Salesforce sells CRM services over the internet, through server facilities operated by Salesforce and made accessible by it to the public through Salesforce’s website at the Internet address [salesforce.com](https://www.salesforce.com). These CRM services include offerings known as Sales Cloud, Service Cloud, and Marketing Cloud (among others), which are widely used throughout the U.S. and this District.

11. Underlying Salesforce’s CRM services are large relational databases, hosted on facilities operated by Salesforce in the U.S., which house end-user CRM data for the Salesforce services. On information and belief, these are “multi-tenant” databases which house data for a large number of unrelated user organizations and end users. Each end-user organization’s CRM data is organized on Salesforce’s multi-tenant database as a relational database (“user database”), within relational database tables (hereinafter, “user tables”) defined within the multi-tenant system. The user databases and their tables are made accessible to and manageable by the end users through web-based applications designed, managed, and operated by Salesforce in the U.S.

12. As implemented by Salesforce, user database structures participate in cross-reference and master-detail relationships (the two types of cross-table relationships in relational databases) defined by primary and foreign keys within related tables. Salesforce provides a “Schema Builder” for working with these structures as relational databases:



13. Salesforce’s CRM services allow end users to modify the structure of the user tables in a user database by adding, removing, or altering fields, tables, and/or relationships between data among tables. The user interface (“UI”) presented by Salesforce’s web applications, having no advance knowledge of any structural changes that a user may make to the database, adapts itself dynamically to these changes, automatically generating an end-user UI that fits the modified database structure. On information and belief, the entire Salesforce UI for relational CRM data is generated in the same automatic manner as for the user-modified portions, that is, for default and pre-existing user database structures as well as for those modified during the session in which the UI display is generated.

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.