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17 **UNITED STATES DISTRICT COURT**
18 **DISTRICT OF NEVADA**

19 APPLICATIONS IN INTERNET TIME, LLC,

20 Plaintiff,

Case No:

21 v.

22 SALESFORCE.COM, INC.,

**COMPLAINT FOR PATENT
INFRINGEMENT**

23 Defendant.

JURY TRIAL DEMANDED

24
25 Plaintiff Applications in Internet Time, LLC (“AIT”) for its Complaint for Patent
26 Infringement against Defendant Salesforce.com, Inc. (“Salesforce”) hereby states and alleges as
27 follows:

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JURISDICTION AND VENUE

1. This is a civil action for patent infringement arising under the Acts of Congress relating to patents, including Title 35 United States Code § 1 *et seq.*

2. This Court has jurisdiction over the subject matter of this action pursuant to at least Title 28 United States Code §§ 1331 and 1338(a).

3. Upon information and belief, Defendant Salesforce has transacted business in this Judicial District and has committed and/or induced acts of Patent Infringement in this District. Venue with respect to Defendant Salesforce is proper within this district pursuant to Title 28 United States Code §§ 1391(b) and (c) and 1400(b).

4. Upon information and belief, personal jurisdiction over Defendant Salesforce comports with the United States Constitution and N.R.S. § 14.065 because the Defendant has systematic and continuous contacts with the State of Nevada, has purposefully availed itself of the privileges of conducting business in the State of Nevada, regularly conducts and solicits business within the State of Nevada, and AIT's causes of action arise from Defendant's business contacts and other activities in the State of Nevada.

5. Upon information and belief, Defendant Salesforce is subject to this Court's specific and general jurisdiction pursuant to due process and/or N.R.S. §14.065 at least as to its substantial business in this forum, including at least a portion of the infringements alleged herein, and regularly doing or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from products and services provided to clients and customers in Nevada.

THE PARTIES

6. Plaintiff AIT is a limited liability company organized and existing under the laws of the state of Nevada with its principal place of business located at 200 South Virginia Street, Suite 824, Reno, Nevada 89501.

7. Upon information and belief, Defendant Salesforce is a corporation organized and existing under the laws of the state of Delaware with its principal place of business located at The Landmark @ One Market, Suite 300, San Francisco, California 94105. Salesforce may be

1 served through its registered agent The Corporation Trust Company of Nevada at 311 South
2 Division Street, Carson City, NV 89703.

3 **BACKGROUND OF THE PATENTED TECHNOLOGY**

4 8. Plaintiff AIT is the owner of U.S. Patent No. 7,356,482 (“‘482 patent”) entitled
5 “Integrated Change Management Unit.” The United States Patent and Trademark Office duly
6 and legally issued the ‘482 patent on April 8, 2008. The ‘482 patent is assigned to AIT. A copy
7 of the ‘482 patent is attached hereto as Exhibit A.

8 9. Plaintiff AIT is the owner of U.S. Patent No. 8,484,111 (“‘111 patent”) entitled
9 “Integrated Change Management Unit.” The United States Patent and Trademark Office duly
10 and legally issued the ‘111 patent on July 9, 2013. The ‘111 patent is assigned to AIT. A copy
11 of the ‘111 patent is attached hereto as Exhibit B.

12 10. The technology described and claimed in the ‘482 and ‘111 patents was originally
13 developed in response to programming problems resulting in application deployment delays.
14 Generally, the technology enables individuals with knowledge of the business process rather than
15 only computer programmers to have responsibility for application development with a simple and
16 efficient metadata-driven application platform.

17 11. Plaintiff AIT has the exclusive right to make, use, sell and offer to sell the
18 inventions of the ‘482 and ‘111 patents, and has the right to sue and to recover damages for past,
19 present, and future infringement of the claims of the ‘482 and ‘111 patents.

20 **BACKGROUND OF SALESFORCE’S INFRINGEMENT OF** 21 **THE ‘482 AND ‘111 PATENTS**

22 12. Defendant Salesforce is one of the leading providers of multi-tenant platform and
23 application enterprise software as a service in a cloud computing environment. Salesforce states
24 in its 2013 Annual Report that “We deliver our service as a highly scalable, multi-tenant app....
25 We have optimized our service to run on specific databases and operating systems using the tools
26 and platforms best suited to serve our customers rather than providing software that must be
27 written to different hardware, operating system and database platforms, or that depends upon a
28 customer’s unique system environment. Our service treats all customers as logically separate

1 tenants in central applications, databases and other resources.... Because of our multi-tenant and
2 logically separated architecture, we are able to provide all of our customers with a solution based
3 on a single version of our apps.”

4 13. Salesforce’s Force.com platform is the development environment for enterprise
5 applications and is designed for developing and deploying cloud computing applications via
6 configuration-driven development. The Force.com platform has a metadata-driven architecture
7 and relies on metadata describing base functionality of applications as well as metadata
8 corresponding to application customizations. Changes in metadata are detected by the platform
9 and enable Salesforce’s clients, customers, third parties, and Salesforce itself to customize,
10 update, and change user applications from the cloud.

11 14. On information and belief, Salesforce relies on the Force.com platform as the
12 backbone for its software as a service offerings, including Sales Cloud, Service Cloud, and
13 Marketing Cloud. Salesforce states on its developerforce.com site that “Force.com is the proven
14 cloud application development platform that powers many popular salesforce.com cloud
15 applications....” http://wiki.developerforce.com/page/Multi_Tenant_Architecture. Likewise,
16 “Force.com, the world’s leading cloud platform for business apps, offers the infrastructure upon
17 which both Sales Cloud and Service Cloud are built....” [http://blog.cloudsherpas.com/cloud-
18 strategy-2/the-force-com-sweet-spot/](http://blog.cloudsherpas.com/cloud-strategy-2/the-force-com-sweet-spot/).

19 15. Salesforce’s manufacture, use, sale, and/or offer for sale of the Force.com
20 platform constitutes a direct infringement of one or more claims of the ‘482 and ‘111 patents.

21 16. Salesforce’s provision of the Force.com platform and documentation instructing,
22 encouraging, and directing its clients, customers, and third parties on the use of the Force.com
23 platform to create and customize multi-tenant applications constitutes an inducement of
24 infringement of one or more claims of the ‘482 and ‘111 patents. For example, Salesforce states
25 in its 2013 Annual Report that “Through our platform and other developer tools, *we also*
26 *encourage third parties to develop additional functionality and new apps that run on our*
27 *platform*, which are sold separately from, or in conjunction with, our service.” In addition to
28 Salesforce’s specific acknowledgement, acts and documentation demonstrating Salesforce’s

1 inducement of infringement include Salesforce's maintenance of websites at <http://force.com>,
2 <http://developer.force.com>, <http://wiki.developerforce.com>, and <http://www.forceprepare.com/>,
3 as well as its distribution of at least the following documentation:

- 4 • *Force.com: A Comprehensive Look at the World's Premier Cloud-computing Platform*
5 (http://www.developerforce.com/media/Forcedotcom_Whitepaper/WP_Forcedotcom-InDepth_040709_WEB.pdf)
- 6 • *Development Lifecycle Guide, May 17, 2013*
7 (http://www.salesforce.com/us/developer/docs/dev_lifecycle/salesforce_development_lifecycle.pdf)
- 8 • *Introduction to Force.com*
9 (<http://events.developerforce.com/conferences/dreamforce?session=21241>)
- 10 • *An Introduction to the Force.com IDE*
11 (http://wiki.developerforce.com/page/An_Introduction_to_Force_IDE)
- 12 • *Force.com Migration Tool Guide*
13 (http://www.salesforce.com/us/developer/docs/daas/salesforce_migration_guide.pdf)
- 14 • *An Introduction to Environments*
15 (http://wiki.developerforce.com/page/An_Introduction_to_Environments)
- 16 • *Deploy Force.com Applications to Production Faster*
17 (http://wiki.developerforce.com/page/Deploy_Force.com_Applications_Faster).

18 17. Salesforce's clients, customers, and third parties who use the Force.com platform
19 to create and customize multi-tenant applications as instructed, encouraged, and directed by
20 Salesforce directly infringe the '482 and '111 patents.

21 18. Salesforce has actual knowledge of the '482 and '111 patents as well as AIT's
22 allegations of infringement through at least service of this complaint. Despite this knowledge,
23 Salesforce continues with its infringing activities. Thus, upon information and belief, Salesforce
24 has intended and continues to intend to induce patent infringement by its clients, customers, and
25 third parties, and has had knowledge that the inducing acts would cause infringement or has been
26 willfully blind to the possibility that its inducing acts would cause infringement.

27 **COUNT I: INFRINGEMENT OF U.S. PATENT NO. 7,356,482**

28 19. The allegations in all the paragraphs above are incorporated by reference into
Plaintiff's Count I as if fully set forth herein.

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