IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF DELAWARE

INQUISIENT INC., a Delaware Corporation	
Plaintiff,	
v.	C.A. No. ____________
SERVICENOW, INC., a Delaware Corporation,	**DEMAND FOR JURY TRIAL**
Defendant.	

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff InQuisient Inc. ("InQuisient") files this Complaint against Defendant ServiceNow, Inc. ("ServiceNow") and alleges as follows:

1. This action is an action for patent infringement under 35 U.S.C. § 1 *et seq*. whereupon InQuisient alleges that ServiceNow infringes United States Patent Nos. 7,979,468 (the "'468 Patent"), 8,219,585 (the "'585 Patent"), and 8,224,855 (the "'855 Patent") (collectively, the "Patents-in-Suit").

2. InQuisient was founded in 2004 as Enterprise Elements, Inc. Soon after its incorporation, Enterprise Elements invented pioneering techniques to help customers solve unique problems in the enterprise data management field. It immediately sought patent protection on these innovative techniques, and subsequently offered its first product in 2005, which it has continually improved and offered to its customers since that time. In 2015, Enterprise Elements changed its name to InQuisient Inc.

3. One of the founders of InQuisient, B. Randall "Randy" DeWoolfson, is the named inventor on the Patents-in-Suit. Mr. DeWoolfson noticed several recurring patterns and areas of difficulty while developing various large scale databases during his career. These included

several ubiquitous data structures that are created almost no matter what database system is being developed. He also noted that in large database implementations, the end user often desires to modify the resulting system frequently, either because of missed or poor requirements set out in the beginning of the development efforts, or due to changing business environments. One key aspect of this desired change is often modifications to the underlying process flows that define the desired behavior within an organization's data.

4. Mr. DeWoolfson recognized that these issues could be addressed by a different model for database structures and with implementations that could be modified on the fly, that came with strong and consistently standardized data structures if desired, and that would allow a user to insert or modify new structures on demand while constraining behavior to possibly dynamic process flows. This novel insight was the impetus for the inventions described in the Patents-in-Suit, which related to a specialized database data dictionary. These patented techniques confer multiple benefits over conventional databases, especially when used in enterprise workflows, as the inventions reduce the need for stored procedures, complicated and frequently edited coding logic, and triggers that manage the workflow. This is achieved by moving the work to the metadata itself and into innovative and new database structures, which enforce the workflow on the data, thus improving the way a computer stores and uses data in the database to implement the workflows, as well as how that data can be interacted with.

5. On June 1, 2022, InQuisient sent a letter to ServiceNow, notifying ServiceNow that, after a competitive bidding situation, where both InQuisient and ServiceNow were pursuing the same customer, InQuisient learned of strong similarities between techniques disclosed and covered in InQuisient's foundational Patents-in-Suit and techniques used by ServiceNow's Now Platform, including those used to manage data dictionaries, create data models, define entity

relationships, and manage workflows. In its letter, InQuisient requested that ServiceNow provide access to a test instance of the Now Platform and a full database schema in an attempt to rule out InQuisient's infringement concerns. ServiceNow did not respond to InQuisient's June 1, 2022 letter.

6. With no response to June 1, 2022 letter, on June 21, 2022, InQuisient sent a second letter to ServiceNow repeating its request for a response. As of the date this Complaint was filed, ServiceNow failed to respond to either letter.

THE PARTIES

7. InQuisient is a Delaware corporation with its principal place of business at 8278 Falcon Glen Road, Warrenton, Virginia 20186.

8. InQuisient is a software product and services provider. It offers its unique patent-protected enterprise data management platform to private companies and government entities so they can rapidly deploy relational database systems optionally using predefined classed of objects and attributes with a common data model. End users can also configure new data structures to meet any desired database needs. In addition to several typical data types, InQuisient's element metadata repository ("EMR") may store specialized data in the form of a process or state machine type. The EMR and its special data types permit better management of data, database operations, and workflow, which permits users manage the data according to complex business rules and to get a better view of the data quickly. *See, e.g.,* '468 Patent at 3:37-41. Using the EMR and the patented techniques pertaining to it help normalize the data, which makes the data sets easier to manage and scale. *See, e.g., id.* at 1:56-63. In summary, the patented techniques improve the structure, organization, operation and visualization of relational databases and further improve the manner workflows are implemented using databases.

9. InQuisient competes in the same market with ServiceNow. The continued overlap in the same market space by ServiceNow's infringing products and services creates a substantial burden to InQuisient's ability to offer its patented products and services to customers in the space.

10. On information and belief, ServiceNow is a Delaware corporation with its principal place of business at 2225 Lawson Lane, Santa Clara, California 95054. On information and belief, ServiceNow may be served via its registered agent Cogency Global Inc., 850 New Burton Road, Suite 201, Dover, DE 19904.

JURISDICTION AND VENUE

11. This action arises under the Patent Law of the United States, 35 U.S.C. § 1 *et seq*., including §§ 271, 281, 283, 284, and 285. This Court has subject matter jurisdiction over this action under 28 U.S.C. §§ 1331 and 1338(a).

12. ServiceNow is subject to this Court's personal jurisdiction as it was established and exists as a Delaware corporation under the laws of the State of Delaware. Furthermore, ServiceNow's Form 10-K for the fiscal year ended December 31, 2021 lists multiple subsidiaries that are incorporated or organized in Delaware, including DotWalk, Inc., ITapp Inc., Lightstep, Inc., Loom Systems, Inc., Rupert Labs, Inc., ServiceNow Delaware LLC, Swarm64 Incorporated, and Sweagle Inc.

13. On information and belief, ServiceNow offers its Accused Product and services in the State of Delaware.

14. For example, the ServiceNow website highlights a case study for the work it has done for Corteva Agriscience in Wilmington, Delaware. A true and correct copy of the case study printed from ServiceNow's website (https://www.servicenow.com/customers/corteva.html) is attached as Exhibit D.

15. Venue is proper in this Court under 28 U.S.C. §§ 1391(b), (c), and (d), as well as 28 U.S.C. § 1400(b), because, on information and belief, ServiceNow has committed acts within this district giving rise to this action and does business in this district, including using, selling, offering for sale, and providing service and support for its customers, where it maintains a regular and established place of business.

PATENTS-IN-SUIT

16. The Patents-in-Suit claim methods and systems pertaining to new and novel uses of a data dictionary for manipulating data sets. The patented-techniques improve the structure, function and operation of a relational database and a computer system implementing the same through the use of the data dictionary to optimize the structure and performance of the database system, particularly as it pertains to how workflows are implemented.

17. The ’468 Patent, titled “Database Data Dictionary,” duly and legally issued on July 12, 2011, from an application filed June 14, 2006, and which claims priority to U.S. Provisional Application No. 60/690,147, filed June 14, 2005. A true and correct copy of the ’468 Patent is attached as Exhibit A.

18. The ’585 Patent, titled “Database Data Dictionary,” duly and legally issued on July 10, 2012, from an application filed June 3, 2011, which was a continuation of the application that issued as the ’468 Patent, and which also claims priority to U.S. Provisional Application No. 60/690,147, filed June 14, 2005. A true and correct copy of the ’585 Patent is attached as Exhibit B.

19. The ’855 Patent, titled “Database Data Dictionary,” duly and legally issued on July 17, 2012, from an application filed June 3, 2011, which was also a continuation of the application that issued as the ’468 Patent, and which also claims priority to U.S. Provisional

Application No. 60/690,147, filed June 14, 2005. A true and correct copy of the ’855 Patent is attached as Exhibit C.

20. InQuisient is the owner and assignee of all right, title and interest in and to the Patents-in-Suit, including the right to assert all causes of action arising under said patents and to seek damages and all other remedies for the infringement thereof.

21. Moreover, as owner and assignee of the Patents-in-Suit, InQuisient has marked its software with the patent numbers of the Patents-in-Suit since at least six years prior to the filing of this suit.

THE ACCUSED PRODUCT AND SERVICES

22. ServiceNow claims to help “global enterprises across industries, universities and governments to digitize their workflows—the individual tasks that need to be executed to get a job done.” *See* ServiceNow, Form 10-K for fiscal year ended December 31, 2021.

23. ServiceNow has characterized its product portfolio as spanning “four workflows IT, Employee, Customer and Creator,” which “are delivered on ServiceNow’s Platform—the Now Platform. The products under each of our workflows are helping customers connect across systems and silos to enable great experiences for people.” *Id.*

24. ServiceNow claims the “Now Platform is uniquely positioned to enable our customers’ digital transformation from non-integrated enterprise technology solutions with manual and disconnected processes and activities, to integrated enterprise technology solutions with automation and connected processes and activities. The transformation to digital operations, enabled by the Now Platform, increases our customers’ resiliency and security and delivers great experiences and additional value to their employees and consumers.” *Id.*

25. The Now Platform is an application platform as a service that automates business processes across an enterprise. It provides infrastructure to help an organization develop, run,

and manage applications. The Now Platform can be hosted in the cloud on computing equipment in data centers controlled by ServiceNow, it can be hosted at least in part on third party cloud offerings, and it can be deployed on-premises on computing equipment provided by ServiceNow's customers.

26. The Now Platform delivers a common set of core capabilities and reusable components to the entire enterprise rather than individual departments or functions. This eliminates data silos by sharing information within a single data model. The data model is extendible with a flexible table schema and reusable components.

27. The Now Platform (the "Accused Product") Accused Product practices the Patents-in-Suit. One such example, used in combination with the other claimed data structures and features as described in the Counts below, is the use of state management though metadata defined state models and transitions. *See, e.g.*, Ex. E (State Management).

COUNT I: INFRINGEMENT OF THE '468 PATENT

28. InQuisient incorporates herein by reference the allegations found in paragraphs 1-27.

29. On information and belief, ServiceNow has been and is now directly infringing the '468 Patent in violation of 35 U.S.C. § 271(a) at least by making, using, selling, offering or sale, and/or importing into the United States, the Accused Product, which practices one or more claims of the '468 Patent, including at least claim 1.

30. Claim 1 recites (brackets added):

> **[1pre]** A computerized system for manipulating data sets, comprising:
> **[1a]** a processor; and
> **[1b]** a data repository, the data repository being adapted to process, retrieve, and store data contained in the data sets and one or more layers of metadata of the data in the data sets, comprising:
> **[1c]** an element module configured to store and uniquely identify a plurality of elements, wherein each of the elements is identified by a unique element identification;

> **[1d]** an element relation module configured to store one or more relationships between the elements in the element module;
> **[1e]** a class module configured to define at least one class of the elements and store the class;
> **[1f]** an attribute module configured to define one or more attributes and store the attributes;
> **[1g]** a class attribute module configured to define and store one or more class-attribute associations between at least one of the attributes and the class;
> **[1h]** a type definition module configured to define and store one or more types of the class, the attributes related to the class, and the relationships between the elements;
> **[1i]** a state machine module configured to store one or more state machine types associated with at least one of the elements; and
> **[1j]** a status module configured to store one or more statuses of each state machine.

31. ServiceNow has committed infringing acts without authorization, consent, permission or a license from InQuisient.

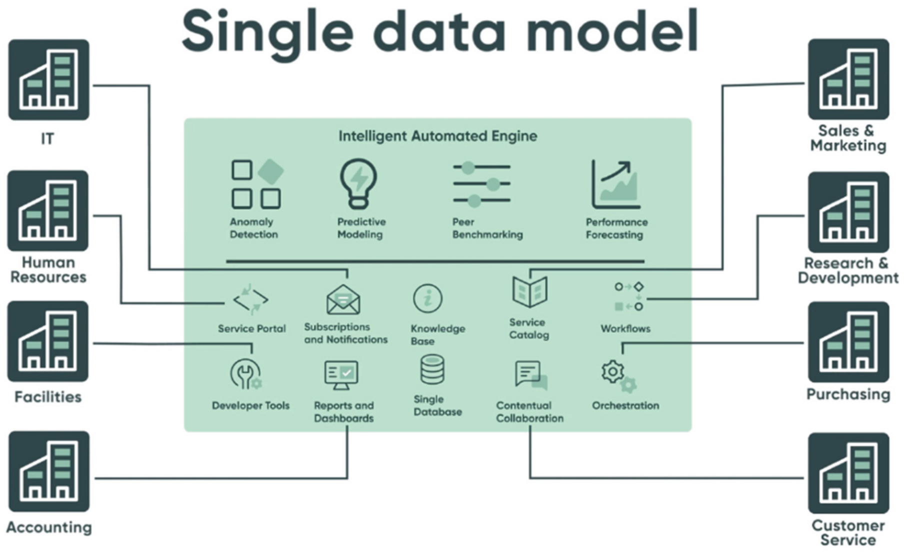
32. On information and belief, ServiceNow has been and is now indirectly infringing the ’468 Patent in violation of 35 U.S.C. § 271(b) at least by inducing its customers to purchase the Accused Product and/or by instructing, encouraging, implementing, and/or directing others how to use the Accused Product in ways that directly infringe the ’468 Patent, including claim 1, through its educational and promotional materials, support activities, as well as its service and consulting activities.

33. ServiceNow’s infringement is literal, under the doctrine of equivalents, or both.

34. ServiceNow will continue to infringe the ’468 Patent, causing irreparable harm to InQuisient for which there is no adequate remedy at law unless enjoined by this Court. ServiceNow’s infringement has caused and continues to cause irreparable harm to InQuisient in the form of loss of business opportunities, lost sales, loss of market share, loss of goodwill and the loss of InQuisient’s exclusive right to practice its inventions.

35. As a result of ServiceNow’s infringement of the ’468 Patent, InQuisient has suffered and is owed no less than a reasonable royalty under 35 U.S.C. § 284 as a remedy.

36. On information and belief, the Accused Product provides a computerized system for manipulating data sets, in a manner that satisfies element [1pre] of the ’468 Patent. For example, ServiceNow may be configured as a single database system and provide a single data model for manipulating data sets:

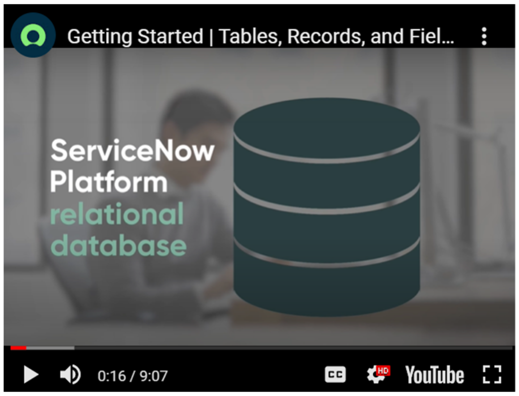


See Ex. F (Now Platform Administration).

37. ServiceNow’s Accused Product is deployed on computer equipment, which operate with one or more processors and satisfies element [1a] of the ’468 Patent. On information and belief, the processors can be configured with a cloud services provider or through processors deployed in on-premises systems, which are under the control and direction of the Accused Product and/or ServiceNow. *See* Ex. F (Now Platform Administration).

38. On information and belief, ServiceNow’s Accused Product provides a data repository, the data repository being adapted to process, retrieve, and store data contained in the data sets and one or more layers of metadata of the data in the data sets, in a manner that satisfies

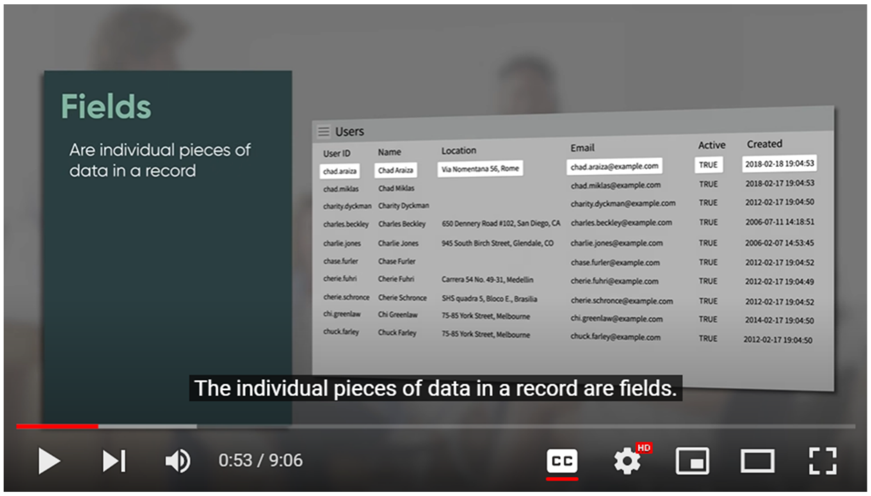
element [1b] of the '468 Patent. For example, the Accused Product is built upon a relational database:


Getting Started | Tables, Records, and Fiel...
ServiceNow Platform relational database
0:16 / 9:07
YouTube

See https://www.youtube.com/watch?v=a7Nrz0OU8XM; *see also* Ex. F (Now Platform Administration).

39. The Accused Product's relational database is a collection of data items organized into tables such that data can be accessed and reassembled in different ways. A table is a collection of records in the database. The relational database is adapted to process, retrieve, and store data contained in the data sets. *See* https://www.youtube.com/watch?v=a7Nrz0OU8XM; *see also,* Ex. F (Now Platform Administration).

40. On information and belief, the individual pieces of data in a record are called "fields" in the Accused Product. *See* https://www.youtube.com/watch?v=a7Nrz0OU8XM. Each field in a record corresponds to a column in a table. Each field describes one element of the record, such as a user's name or email address. Each record corresponds to a row in a table.



Fields

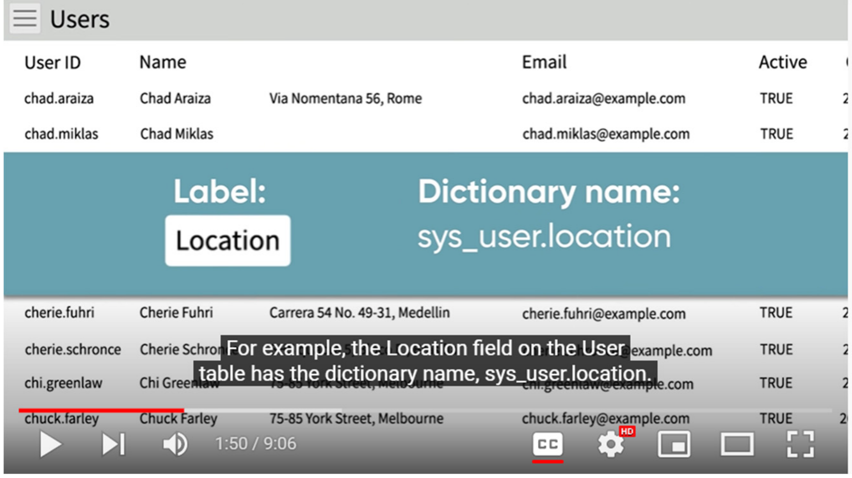
Are individual pieces of data in a record

Users

User ID	Name	Location	Email	Active	Created
chad.araiza	Chad Araiza	Via Nomentana 56, Rome	chad.araiza@example.com	TRUE	2018-02-18 19:04:53
chad.miklas	Chad Miklas		chad.miklas@example.com	TRUE	2018-02-17 19:04:53
charity.dyckman	Charity Dyckman		charity.dyckman@example.com	TRUE	2012-02-17 19:04:50
charles.beckley	Charles Beckley	650 Dennery Road #102, San Diego, CA	charles.beckley@example.com	TRUE	2006-07-11 14:18:51
charlie.jones	Charlie Jones	945 South Birch Street, Glendale, CO	charlie.jones@example.com	TRUE	2006-02-07 14:53:45
chase.furler	Chase Furler		chase.furler@example.com	TRUE	2012-02-17 19:04:52
cherie.fuhri	Cherie Fuhri	Carrera 54 No. 49-31, Medellin	cherie.fuhri@example.com	TRUE	2012-02-17 19:04:49
cherie.schronce	Cherie Schronce	SHS quadra 5, Bloco E., Brasilia	cherie.schronce@example.com	TRUE	2012-02-17 19:04:52
chi.greenlaw	Chi Greenlaw	75-85 York Street, Melbourne	chi.greenlaw@example.com	TRUE	2014-02-17 19:04:50
chuck.farley	Chuck Farley	75-85 York Street, Melbourne	chuck.farley@example.com	TRUE	2012-02-17 19:04:50

The individual pieces of data in a record are fields.

See https://www.youtube.com/watch?v=a7Nrz0OU8XM. Each field has at least three corresponding pieces of data: a label, a dictionary name, and a value. ServiceNow stores one or more layers of metadata of the data in the data sets. For example, a record labeled "Location" has metadata stored in a dictionary name, which associates it to sys_user.location.



Users

User ID	Name		Email	Active
chad.araiza	Chad Araiza	Via Nomentana 56, Rome	chad.araiza@example.com	TRUE
chad.miklas	Chad Miklas		chad.miklas@example.com	TRUE

Label: Location

Dictionary name: sys_user.location

cherie.fuhri	Cherie Fuhri	Carrera 54 No. 49-31, Medellin	cherie.fuhri@example.com	TRUE
cherie.schronce	Cherie Schror		example.com	TRUE
chi.greenlaw	Chi Greenlaw			TRUE
chuck.farley	Chuck Farley	75-85 York Street, Melbourne	chuck.farley@example.com	TRUE

For example, the Location field on the User table has the dictionary name, sys_user.location.

Id. As another example, a table may have a field with the label "Name," whose dictionary name, or metadata of the data in the data sets, is sys_user.name.

41. On information and belief, the Accused Product provides an element module configured to store and uniquely identify a plurality of elements (*i.e.,* records), wherein each of the elements is identified by a unique element identification, in a manner that satisfies element

[1c] of the ’468 Patent. For example, each element in the Accused Product is associated with a unique element identification, a 32-character GUID (Globally Unique ID), called a Sys ID (sys_id), which identifies each record in an instance. *See* Ex. G (Unique Record Identifier (sys_id)).

42. On information and belief, the Accused Product provides an element relation module configured to store one or more relationships between the elements in the element module, in a manner that satisfies element [1d] of the ’468 Patent. For example, ServiceNow allows for records to be related to one another, and, on information and belief, such relations are stored in a table such as the Accused Product’s sys_relationship table. *See* Ex. H. Furthermore, the Accused Product’s tables and records can be related to each other in a variety of ways. For example, within a ServiceNow table, a field can hold a reference to a record on another table, and these records can have one-to-many or many-to-many relations. *See* Ex. I (Data Management).

43. On information and belief, the Accused Product provides a class module configured to define at least one class of the elements and store the class, in a manner that satisfies element [1e] of the ’468 Patent. For example, the Accused Product provides a sys_db_object table, which “[c]ontains a record for each table.” Ex. J (Data Dictionary). Additionally, the documentation for the Accused Product explains that it supports classes, at least in the form of extensible tables. For example, in the Accused Product, a table that extends another table is called a *child class*, and the table it extends is the *parent class*. A table can be both a parent and child class both extending and providing extensions for other tables. A parent class that is not an extension of another table is called a *base class*. *See* Ex. K (Table Extension and Classes).

44. On information and belief, the Accused Product provides an attribute module configured to define one or more attributes and store the attributes, in a manner that satisfies element [1f] of the ’468 Patent. For example, the Accused Product provides sys_db_object and sys_dictionary tables that contain a record for each table and contain details for each table and the definition for every column on each table in an instance. *See* Exs. J (Data Dictionary Tables) and L (System Dictionary).

45. On information and belief, the Accused Product provides a class attribute module configured to define and store one or more class-attribute associations between at least one of the attributes and the class, in a manner that satisfies element [1g] of the ’468 Patent. For example, the Accused Product provides a sys_dictionary table that maps classes to corresponding attributes. *See* Ex. L (System Dictionary). On information and belief, this table defines every table and field in the system, and contains information about data type, character limit, default value, and dependency of a field. *See* Exs. J (Data Dictionary Table) and L (System Dictionary).

46. On information and belief, the Accused Product provides a type definition module configured to define and store one or more types of the class, the attributes related to the class, and the relationships between the elements, in a manner that satisfies element [1h] of the ’468 Patent. For example, the Accused Product supports a wide variety of “types” of attributes. *See* Ex. M (Field Types). On information and belief, these types are defined and stored in the Accused Product, for example, in a sys_glide_object table. *See* Ex. N.

47. On information and belief, the Accused Product provides a state machine module configured to store one or more state machine types associated with at least one of the elements, in a manner that satisfies element [1i] of the ’468 Patent. For example, the Accused Product provides a sys_state_model table, which “define[s] the name of the state model and which task

table the state model is applied to." *See* Ex. E (State Management); *see also,* Ex. AF (Task Table). The Accused Product provides a sys_state_transition table that stores the "list of conditions for entering or exiting each state defined for a table." *Id*.

48. By way of further example, on information and belief, the Accused Product also provides the wf_workflow_version, wf_activity, and wf_transition tables, which provide a state machine module configured to store one or more state machine types associated with at least one of the elements. For example, the Accused Product provides a wf_workflow_version table that stores one or more state machine types. Ex. O (Workflow Tables). On information and belief, a starting state is stored in the wf_activity table. *Id*.; *see also*, Ex. P. The state transitions are governed by the wf_transition table. Exs. O and Q.

49. On information and belief, the Accused Product provides a status module configured to store one or more statuses (*i.e.*, states) of each state machine, in a manner that satisfies element [1j] of the '468 Patent. For example, the Accused Product may "define a state model for a new custom application," with 4 states, "and then define the state transitions for each of the 4 states." *See* Ex. E (State Management).

50. By way of further example, on information and belief, the Accused Product provides a status module configured to store one or more statuses in the wf_activity table. Exs. O and P.

51. Accordingly, ServiceNow's Accused Product infringes at least claim 1 of the '468 Patent.

<u>COUNT II: INFRINGEMENT OF THE '585 PATENT</u>

52. InQuisient incorporates herein by reference the allegations found in paragraphs 1-51.

53. On information and belief, ServiceNow has been and is now directly infringing the ’585 Patent in violation of 35 U.S.C. § 271(a) at least by making, using, selling, offering or sale, and/or importing into the United States, the Accused Product, which practices one or more claims of the ’585 Patent, including at least claim 1.

54. Claim 1 recites (bracketed enumerations added):

> **[1pre]** A computerized system for manipulating data sets, the computerized system comprising:
> **[1a]** a hardware-based processor; and
> **[1b]** a data repository adapted to process, retrieve, and store: data contained in the data sets; and one or more layers of metadata included in the data sets, wherein the data repository comprises:
> **[1c]** an element module configured to store and identify a plurality of elements, wherein the plurality of elements are identified by unique element identification;
> **[1d]** an element relation module configured to store one or more relationships among the plurality of elements stored in the element module;
> **[1e]** a class module configured to define at least one class of the plurality of elements and store the at least one class;
> **[1f]** an attribute module configured to define one or more attributes and store the one or more attributes;
> **[1g]** a class attribute module configured to define and store one or more class-attribute associations between at least one of the one or more attributes and the at least one class;
> **[1h]** a type definition module configured to define and store one or more types of the at least one class, a plurality of attributes related to the at least one class and the one or more relationships among the plurality of elements;
> **[1i]** a named text module configured to store textual representations of query, control, and display mechanisms that relate to the plurality of elements, wherein the named text module defines one or more folders and one or more filters; and
> **[1j]** a tuple module configured to generate and store one or more tuples, wherein the one or more tuples link the one or more folders and the one or more filters to generate a hierarchy of one or more data entries.

55. On information and belief, the Accused Product provide a computerized system for manipulating data sets, in a manner that satisfies element [1pre] of the ’585 Patent. For example, ServiceNow may be configured as a single database system and provide a single data model for manipulating data sets. *See, e.g.*, Ex. F (Now Platform Administration).

56. On information and belief, the Accused Product provides a hardware-based processor, in a manner that satisfies element [1a] of the '585 Patent. On information and belief, the hardware-based processors can be configured with a cloud services provider or through hardware-based processors deployed in on-premises systems, which are under the control and direction of the Accused Product and/or ServiceNow. *See, e.g.*, Ex. F (Now Platform Administration).

57. On information and belief, the Accused Product provides a data repository adapted to process, retrieve, and store data contained in the data sets; and one or more layers of metadata included in the data sets, in a manner that satisfies element [1b] of the '585 Patent. For example, the Accused Product is built upon a relational database. *See, e.g.*, https://www.youtube.com/watch?v=a7Nrz0OU8XM at 0:16; *see also,* Ex. F (Now Platform Administration). The Accused Product's relational database is a collection of data items organized into tables such that data can be accessed and reassembled in different ways. A table is a collection of records in the database. *See* https://www.youtube.com/watch?v=a7Nrz0OU8XM at 0:16. The relational database is adapted to process, retrieve, and store data contained in the data sets. On information and belief, the individual pieces of data in a record are called "fields" in the Accused Product. *Id.* Each field in a record corresponds to a column in a table. Each field describes one element of the record, such as a user's name or email address. Each record corresponds to a row in a table. *See* https://www.youtube.com/watch?v=a7Nrz0OU8XM at 0:53. Each field has at least three corresponding pieces of data: a label, a dictionary name, and a value. ServiceNow stores one or more layers of metadata of the data in the data sets. For example, a record labeled "Location" has metadata stored in a dictionary name, which associates it to sys_user.location. *Id.* at 1:50.

58. On information and belief, the Accused Product provides an element module configured to store and identify a plurality of elements, wherein the plurality of elements are identified by unique element identification, in a manner that satisfies element [1c] of the ’585 Patent. For example, each element in the Accused Product is associated with a unique element identification, a 32-character GUID (Globally Unique ID), called a Sys ID (sys_id), which identifies each record in an instance. *See* Ex. G (Unique Record Identifier (sys_id)).

59. On information and belief, the Accused Product provides an element relation module configured to store one or more relationships among the plurality of elements stored in the element module, in a manner that satisfies element [1d] of the ’585 Patent. For example, the Accused Product allows for records to be related to one another, and, on information and belief, such relations are stored in a table such as the Accused Product’s sys_relationship table. Ex. H. Furthermore, the Accused Product’s tables and records can be related to each other in a variety of ways. For example, within a ServiceNow table, a field can hold a reference to a record on another table, and these records can have one-to-many or many-to-many relations. *See* Ex. I (Data Management).

60. On information and belief, the Accused Product provides a class module configured to define at least one class of the plurality of elements and store the at least one class, in a manner that satisfies element [1e] of the ’585 Patent. For example, the Accused Product provides a sys_db_object table, which “[c]ontains a record for each table.” Ex. J (Data Dictionary). Additionally, the documentation for the Accused Product explains that it supports classes, at least in the form of extensible tables. For example, in the Accused Product, a table that extends another table is called a *child class*, and the table it extends is the *parent class*. A table can be both a parent and child class both extending and providing extensions for other

tables. A parent class that is not an extension of another table is called a *base class*. *See* Ex. K (Table Extension and Classes).

61. On information and belief, the Accused Product provides an attribute module configured to define one or more attributes and store the one or more attributes, in a manner that satisfies element [1f] of the ’585 Patent. For example, the Accused Product provides sys_db_object and sys_dictionary tables that contain a record for each table and contain details for each table and the definition for every column on each table in an instance. *See* Exs. J (Data Dictionary Tables) and L (System Dictionary).

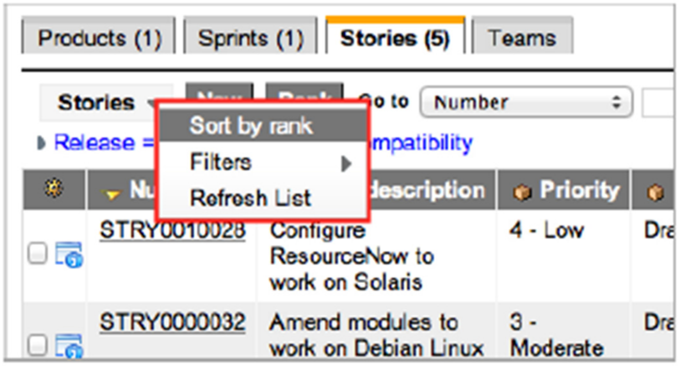
62. On information and belief, the Accused Product provides a class attribute module configured to define and store one or more class-attribute associations between at least one of the one or more attributes and the at least one class, in a manner that satisfies element [1g] of the ’585 Patent. For example, the Accused Product provides a sys_dictionary table that maps classes to corresponding attributes. On information and belief, this table defines every table and field in the system, and contains information about data type, character limit, default value, and dependency of a field. *See* Exs. J (Data Dictionary Table) and L (System Dictionary).

63. On information and belief, the Accused Product provides a type definition module configured to define and store one or more types of the at least one class, a plurality of attributes related to the at least one class and the one or more relationships among the plurality of elements, in a manner that satisfies element [1h] of the ’585 Patent. For example, the Accused Product supports a wide variety of “types” of attributes. *See* Ex. M (Field Types). On information and belief, these types are defined and stored in the Accused Product, for example, in a sys_glide_object table. *See* Ex. N.

64. On information and belief, the Accused Product provides a named text module configured to store textual representations of query, control, and display mechanisms that relate to the plurality of elements, wherein the named text module defines one or more folders and one or more filters, in a manner that satisfies element [1i] of the '585 Patent. For example, the Accused Produce provides a database view that stores textual representations of query, control, and display mechanisms. *See* Ex. R (Create a Database View). On information and belief, the database view is configurable to define table joins that perform query, control, and display mechanisms that relate to the plurality of elements for reporting purposes. *See, e.g.*, Ex. S (Example Left Join in Creating a Database View). On information and belief, for example, the database view also provides one or more folders and one or more filters. *See* Ex. T (Filtering).

65. By the way of further example, on information and belief, the Accused Product field navigator offers management of fields on a form, which include one or more folders and one or more filters:

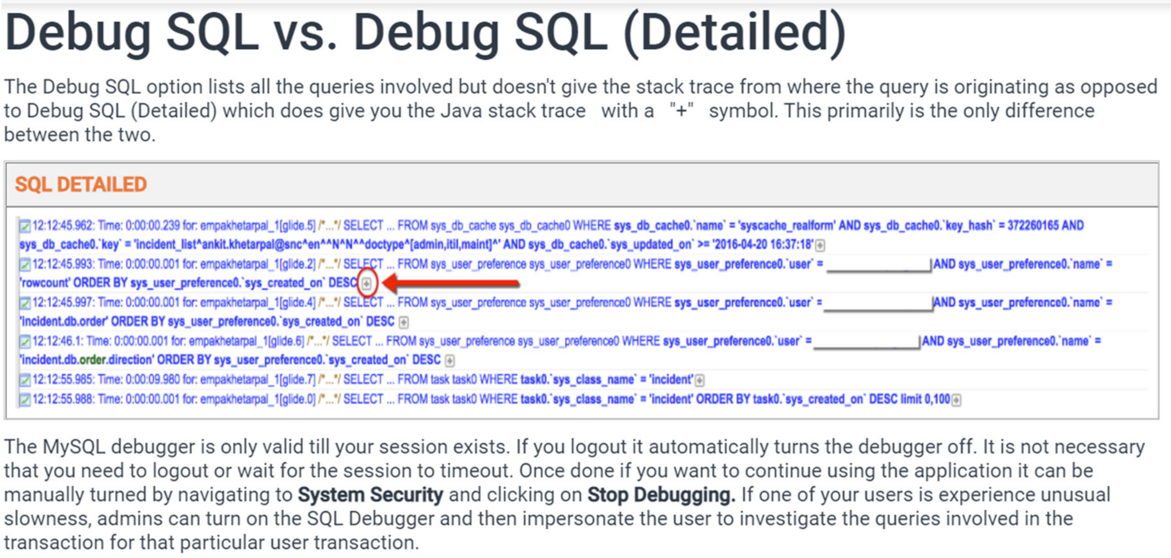
66.



Nu	description	Priority	
STRY0010028	Configure ResourceNow to work on Solaris	4 - Low	Dra
STRY0000032	Amend modules to work on Debian Linux	3 - Moderate	Dra

See Ex. U (Rank Stories).

67. By way of further example, on information and belief, the Accused Product provides a SQL Debugger, which is configured to store textural representations of query, control, and display mechanisms, which relate to the plurality of elements:



Debug SQL vs. Debug SQL (Detailed)

The Debug SQL option lists all the queries involved but doesn't give the stack trace from where the query is originating as opposed to Debug SQL (Detailed) which does give you the Java stack trace with a "+" symbol. This primarily is the only difference between the two.

SQL DETAILED

```
12:12:45.962: Time: 0:00:00.239 for: empakhetarpal_1[glide.5] /*...*/ SELECT ... FROM sys_db_cache sys_db_cache0 WHERE sys_db_cache0.`name` = 'syscache_realform' AND sys_db_cache0.`key_hash` = 372260165 AND
sys_db_cache0.`key` = 'incident_list^ankit.khetarpal@snc^en^^N^N^^doctype^[admin,itil,maint]^' AND sys_db_cache0.`sys_updated_on` >= '2016-04-20 16:37:18' ⊞
12:12:45.993: Time: 0:00:00.001 for: empakhetarpal_1[glide.2] /*...*/ SELECT ... FROM sys_user_preference sys_user_preference0 WHERE sys_user_preference0.`user` =                 AND sys_user_preference0.`name` =
'rowcount' ORDER BY sys_user_preference0.`sys_created_on` DESC ⊞
12:12:45.997: Time: 0:00:00.001 for: empakhetarpal_1[glide.4] /*...*/ SELECT ... FROM sys_user_preference sys_user_preference0 WHERE sys_user_preference0.`user` =                 AND sys_user_preference0.`name` =
'incident.db.order' ORDER BY sys_user_preference0.`sys_created_on` DESC ⊞
12:12:46.1: Time: 0:00:00.001 for: empakhetarpal_1[glide.6] /*...*/ SELECT ... FROM sys_user_preference sys_user_preference0 WHERE sys_user_preference0.`user` =                 AND sys_user_preference0.`name` =
'incident.db.order.direction' ORDER BY sys_user_preference0.`sys_created_on` DESC ⊞
12:12:55.985: Time: 0:00:09.980 for: empakhetarpal_1[glide.7] /*...*/ SELECT ... FROM task task0 WHERE task0.`sys_class_name` = 'incident' ⊞
12:12:55.988: Time: 0:00:00.001 for: empakhetarpal_1[glide.0] /*...*/ SELECT ... FROM task task0 WHERE task0.`sys_class_name` = 'incident' ORDER BY task0.`sys_created_on` DESC limit 0,100 ⊞
```

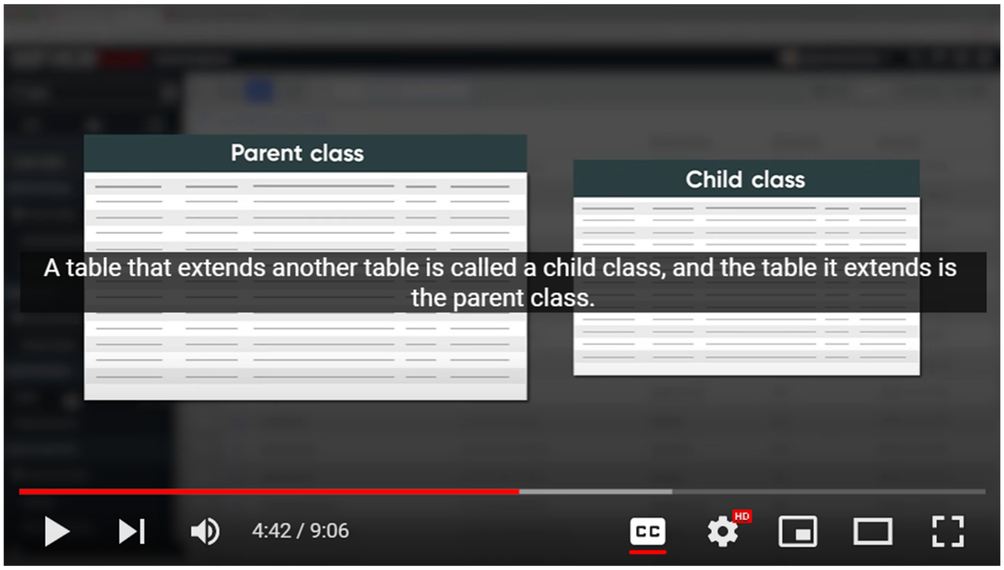
The MySQL debugger is only valid till your session exists. If you logout it automatically turns the debugger off. It is not necessary that you need to logout or wait for the session to timeout. Once done if you want to continue using the application it can be manually turned by navigating to **System Security** and clicking on **Stop Debugging.** If one of your users is experience unusual slowness, admins can turn on the SQL Debugger and then impersonate the user to investigate the queries involved in the transaction for that particular user transaction.

See Ex. V (SQL Debugger).

68. On information and belief, the Accused Product provides a tuple module configured to generate and store one or more tuples, wherein the one or more tuples link the one or more folders and the one or more filters to generate a hierarchy of one or more data entries, in a manner that satisfies element [1j] of the ’585 Patent. For example, the Accused Product provides sys_dictionary and sys_relationship tables that are configured to generate and store one or more tuples. *See* Exs. H and L (System Dictionary). The Accused Product provides functionality for the one or more tuples that link the one or more folders and the one or more filters to generate a hierarchy of one or more data entries by providing, for example, a field storing a reference to a record on another table. *See* Ex. I (Data Management).

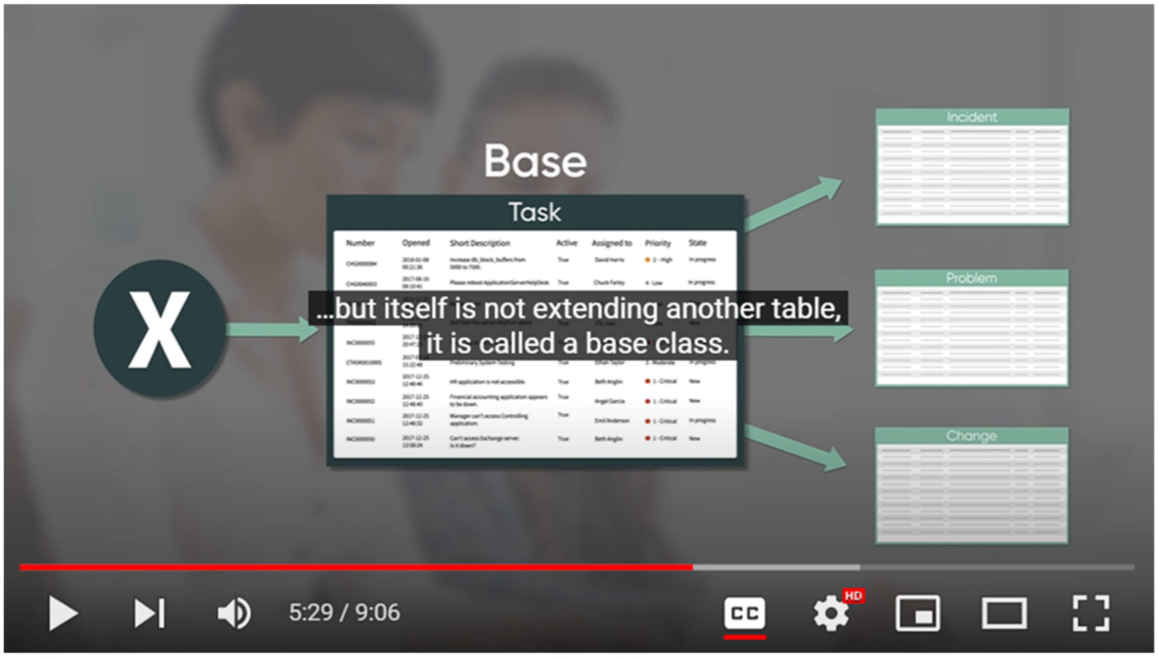
69. As a further example, on information and belief, the Accused Product is configured to generate and store one or more tuples, wherein the one or more tuples link the one or more folders and the one or more filters to generate a hierarchy of one or more data entries by providing a schema map. *See* Exs. W (Schema Map for Tables), X (Generate a Schema Map), and Y (View the Schema Map).

70. As a further example, on information and belief, the Accused Product is configured to generate and store one or more tuples that are linked to create generate a hierarchy of one or more data entries by extending tables. *See* Ex. K (Table and Extension Classes). For example, a table that extends another table is called a *child class*, and the table it extends is the *parent class*. A table can be both a parent and child class both extending and providing extensions for other tables. A parent class that is not an extension of another table is called a *base class*.



A table that extends another table is called a child class, and the table it extends is the parent class.

See https://www.youtube.com/watch?v=a7Nrz0OU8XM.

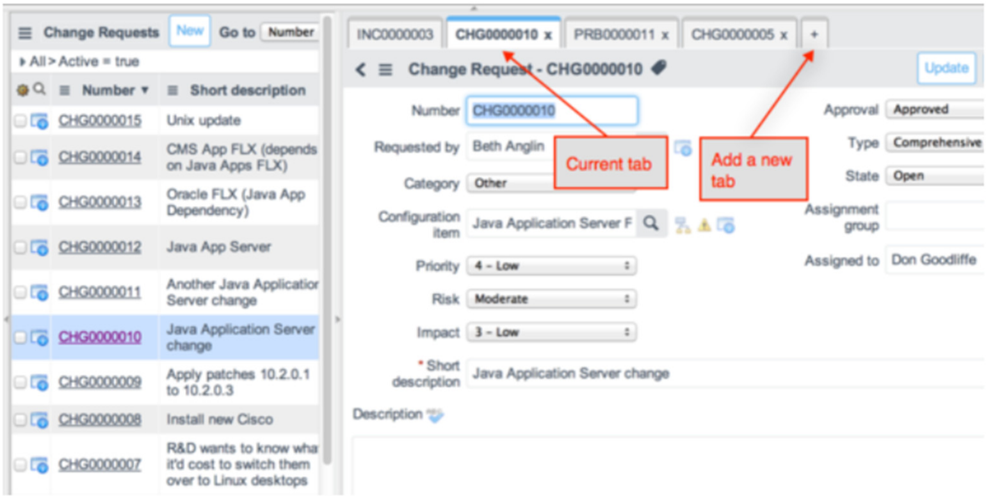


…but itself is not extending another table,
it is called a base class.

See https://www.youtube.com/watch?v=a7Nrz0OU8XM.

71. By further example, on information and belief, the Accused Product provides form pane tabs that generate a hierarchy of one or more data entries:

Form pane tabs



▸ All > Active = true

Number ▾	Short description
CHG0000015	Unix update
CHG0000014	CMS App FLX (depends on Java Apps FLX)
CHG0000013	Oracle FLX (Java App Dependency)
CHG0000012	Java App Server
CHG0000011	Another Java Applicatior Server change
CHG0000010	Java Application Server change
CHG0000009	Apply patches 10.2.0.1 to 10.2.0.3
CHG0000008	Install new Cisco
CHG0000007	R&D wants to know wha it'd cost to switch them over to Linux desktops

Number	CHG0000010	Approval	Approved
Requested by	Beth Anglin	Type	Comprehensive
Category	Other	State	Open
Configuration item	Java Application Server F	Assignment group	
Priority	4 - Low	Assigned to	Don Goodliffe
Risk	Moderate		
Impact	3 - Low		
* Short description	Java Application Server change		

Description

Ex. AA (Use Form Pane Tabs).

72. Accordingly, ServiceNow’s Accused Product infringe claim 1 of the ’585 Patent.

COUNT III: INFRINGEMENT OF THE '855 PATENT

73. InQuisient incorporates herein by reference the allegations found in paragraphs 1-71.

74. On information and belief, ServiceNow has been and is now directly infringing the '855 Patent in violation of 35 U.S.C. § 271(a) at least by making, using, selling, offering or sale, and/or importing into the United States, the Accused Product, which practices one or more claims of the '855 Patent, including at least claim 1.

75. Claim 1 recites (bracketed enumerations added):

> **[1pre]** A computerized system for manipulating data sets, comprising:
> **[1a]** a hardware-based processor; and
> **[1b]** a data repository that contains the data sets and one or more layers of metadata of the data in the data sets, comprising:
> **[1c]** a class module configured to define at least one class of elements and store the class;
> **[1d]** an attribute module configured to define one or more attributes and store the attributes;
> **[1e]** a class attribute module configured to define and store one or more class-attribute associations between at least one of the attributes and the class;
> **[1f]** an element attribute module for the at least one class configured to:
> **[1g]** define and store the attributes of the elements in the class; and
> **[1h]** transmit the attributes and the elements;
> **[1i]** an element module configured to receive the transmitted attributes and elements from the element attribute module, store the attributes and elements, and uniquely identify the elements, wherein the elements are identified by unique element identifications;
> **[1j]** an element relation module configured to store one or more relationships between the elements in the element module;
> **[1k]** an element history module configured to store one or more indicators of a modification to the elements; and
> **[1l]** an element document module configured to store formatting data for grouping a subset of the elements.

76. On information and belief, the Accused Product provides a computerized system for manipulating data sets, in a manner that satisfies element [1pre] of the '855 Patent. For example, ServiceNow may be configured as a single database system and provide a single data model for manipulating data sets. *See, e.g.*, Ex. F (Now Platform Administration).

77. On information and belief, the Accused Product provides a hardware-based processor, in a manner that satisfies element [1a] of the '855 Patent. On information and belief, the hardware-based processors can be configured with a cloud services provider or through hardware-based processors deployed in on-premises systems, which are under the control and direction of the Accused Product and/or ServiceNow. *See, e.g.*, Ex. F (Now Platform Administration).

78. On information and belief, the Accused Product provides a data repository adapted to process, retrieve, and store data contained in the data sets; and one or more layers of metadata included in the data sets, in a manner that satisfies element [1b] of the '855 Patent. For example, the Accused Product is built upon a relational database. *See* https://www.youtube.com/watch?v=a7Nrz0OU8XM at 0:16; *see also,* Ex. F (Now Platform Administration). The Accused Product's relational database is a collection of data items organized into tables such that data can be accessed and reassembled in different ways. A table is a collection of records in the database. https://www.youtube.com/watch?v=a7Nrz0OU8XM at 0:16. The relational database is adapted to process, retrieve, and store data contained in the data sets. *Id*. On information and belief, the individual pieces of data in a record are called "fields" in the Accused Product. *Id*. Each field in a record corresponds to a column in a table. Each field describes one element of the record, such as a user's name or email address. Each record corresponds to a row in a table. *Id*. at 0:53. Each field has at least three corresponding pieces of data: a label, a dictionary name, and a value. ServiceNow stores one or more layers of metadata of the data in the data sets. For example, a record labeled "Location" has metadata stored in a dictionary name, which associates it to sys_user.location. *Id*. at 1:50.

79. On information and belief, the Accused Product provides a class module configured to define at least one class of elements and store the class, in a manner that satisfies element [1c] of the ’855 Patent. For example, the Accused Product provides a sys_db_object table, which “[c]ontains a record for each table.” Ex. J (Data Dictionary). Additionally, the documentation for the Accused Product explains that it supports classes, at least in the form of extensible tables. For example, in the Accused Product, a table that extends another table is called a *child class*, and the table it extends is the *parent class*. A table can be both a parent and child class both extending and providing extensions for other tables. A parent class that is not an extension of another table is called a *base class*. *See* Ex. K (Table Extension and Classes).

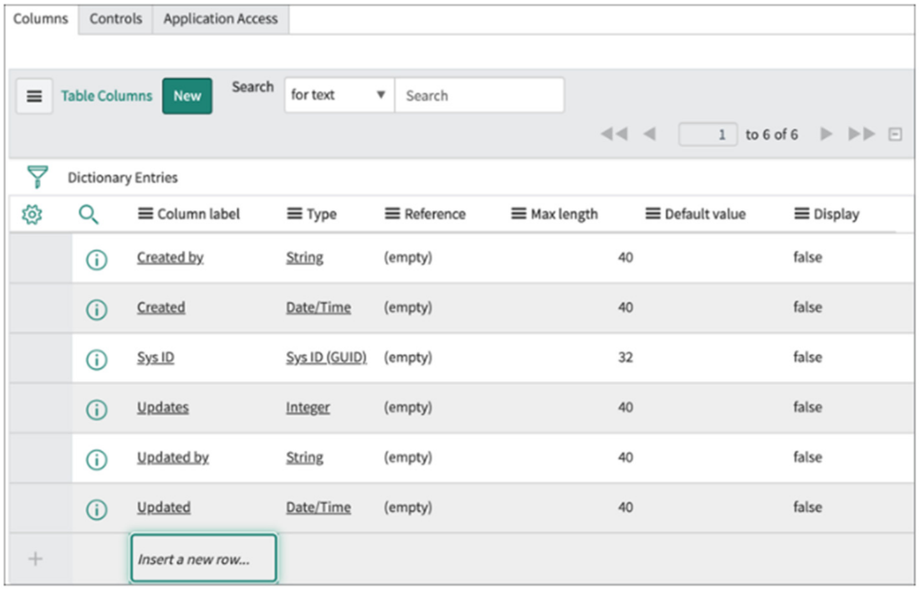
80. On information and belief, the Accused Product provides an attribute module configured to define one or more attributes and store the attributes, in a manner that satisfies element [1d] of the ’855 Patent. For example, the Accused Product provides sys_db_object and sys_dictionary tables that contain a record for each table and contain details for each table and the definition for every column on each table in an instance. *See* Exs. J (Data Dictionary Tables) and L (System Dictionary).

81. On information and belief, the Accused Product provides a class attribute module configured to define and store one or more class-attribute associations between at least one of the one or more attributes and the class, in a manner that satisfies element [1e] of the ’855 Patent. For example, the Accused Product provides a sys_dictionary table that maps classes to corresponding attributes. On information and belief, this table defines every table and field in the system, and contains information about data type, character limit, default value, and dependency of a field. *See* Exs. J (Data Dictionary Table) and L (System Dictionary).

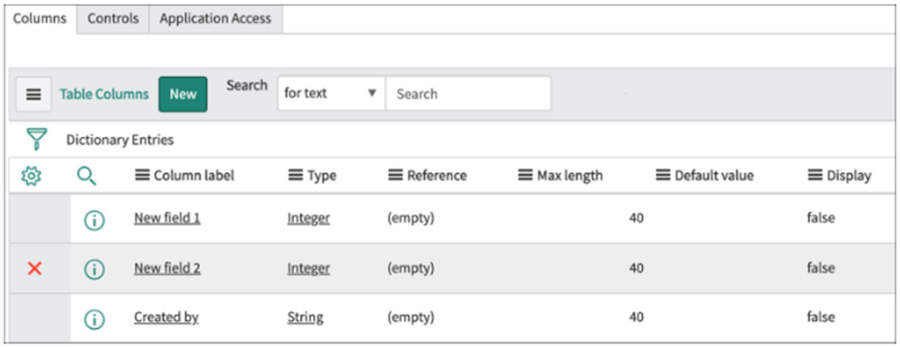
82. On information and belief, the Accused Product provides an element attribute module for the at least one class, in a manner that satisfies element [1f] of the ’855 Patent. For example, the Accused Product provides a sys_dictionary table that maps classes, and records within classes, to corresponding attributes. On information and belief, this table defines every table and field in the system, and contains information about data type, character limit, default value, and dependency of a field. *See* Exs. J (Data Dictionary Table) and L (System Dictionary).

83. On information and belief, the element attribute module of the Accused Product is configured to define and store the attributes of the elements in the class, in a manner that satisfies element [1g] of the ’855 Patent. For example, the Accused Product supports a wide variety of “types” of attributes of elements in a class. *See* Ex. M (Field Types). On information and belief, these types are defined and stored in the Accused Product, for example, in a sys_glide_object table. Ex. N.

84. On information and belief, the element attribute module of the Accused Product is configured to transmit the attributes and the elements, in a manner that satisfies element [1h] of the ’855 Patent. For example, the Accused Product provides sys_db_object and sys_dictionary tables that contain a record for each table and contain details for each table and the definition for every column on each table in an instance. *See* Exs. J (Data Dictionary) and L (System Dictionary). Furthermore, for example, the Accused Product provides functionality to “Insert a new row…” and “New” column that transmits attributes and elements. *See* Ex. AB (Adding Fields to a Table):



Column label	Type	Reference	Max length	Default value	Display
Created by	String	(empty)	40		false
Created	Date/Time	(empty)	40		false
Sys ID	Sys ID (GUID)	(empty)	32		false
Updates	Integer	(empty)	40		false
Updated by	String	(empty)	40		false
Updated	Date/Time	(empty)	40		false



Column label	Type	Reference	Max length	Default value	Display
New field 1	Integer	(empty)	40		false
New field 2	Integer	(empty)	40		false
Created by	String	(empty)	40		false

85. As a further example, the Accused Product provides adding tabs and rows to a dashboard that transmit the attributes and the elements. *See* Ex. AC (Add Tabs and Rows to a Dashboard).

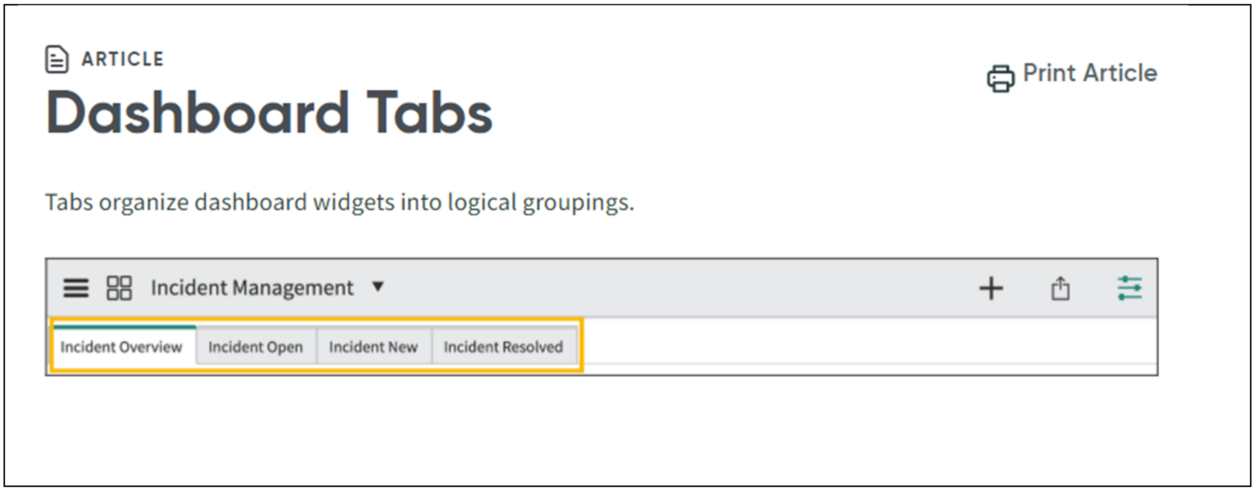
86. On information and belief, the Accused Product provides an element module configured to receive the transmitted attributes and elements from the element attribute module, store the attributes and elements, and uniquely identify the elements, wherein the elements are identified by unique element identifications, in a manner that satisfies element [1i] of the '855 Patent. For example, the Accused Product provides sys_db_object and sys_dictionary tables that contain a record for each table and contain details for each table and the definition for every column on each table in an instance. *See* Exs. J (Data Dictionary Tables) and L (System

Dictionary). On information and belief, the element module is configured to receive the transmitted attributes and elements. *See, e.g.*, Exs. AB (Adding Fields to a Table) and AC (Add Tabs and Rows to a Dashboard). For example, each element in the Accused Product is associated with a unique element identification, a 32-character GUID (Globally Unique ID), called a Sys ID (sys_id), which identifies each record in an instance. *See* Ex. G (Unique Record Identifier (sys_id)).

87. On information and belief, the Accused Product provides an element relation module configured to store one or more relationships between the elements in the element module, in a manner that satisfies element [1j] of the '855 Patent. For example, the Accused Product allows for records to be related to one another, and, on information and belief, such relations are stored in a table such as the Accused Product's sys_relationship table. *See* Ex. H. Furthermore, the Accused Product's tables and records can be related to each other in a variety of ways. For example, within a ServiceNow table, a field can hold a reference to a record on another table, and these records can have one-to-many or many-to-many relations. *See* Ex. I (Data Management).

88. On information and belief, the Accused Product provides an element history module configured to store one or more indicators of a modification to the elements, in a manner that satisfies element [1k] of the '855 Patent. For example, the Accused Product provides sys_audit, sys_history_set and sys_history_line tables that are configured to store one or more indicators of a modification to the elements. *See* Ex. AD (History Sets). For example, the Accused Product "automatically generates History Set records as needed from an Audit table when a user either creates a record or views its history." *Id.*

89. On information and belief, the Accused Product provides an element document module configured to store formatting data for grouping a subset of the elements, in a manner that satisfies element [11] of the ’855 Patent. For example, Accused Product provides dashboard tabs to store formatting data for grouping a subset of the elements:



ARTICLE

Dashboard Tabs

Print Article

Tabs organize dashboard widgets into logical groupings.

See Ex. AE; *see also*, Ex. AC (Add Tabs and Rows to a Dashboard).

90. Accordingly, ServiceNow’s Accused Product infringe claim 1 of the ’855 Patent.

PRAYER FOR RELIEF

WHEREFORE, InQuisient respectfully request that this Court and judgment in its favor and grant the following relief:f

a) a judgment that Service now has directly and/or indirectly infringement one or more claims of the Patents-in-Suit;

b) a permanent injunction against ServiceNow and is respective officers, directors, agents, branches, subsidiaries, parents, partners, and any others active in concert with ServiceNow from further infringement of the Patents-in-Suit;

c) a judgment and order requiring ServiceNow to pay InQuisient past and future damages under 35 U.S.C. § 284, including any supplemental damages arising from any continuing post-verdict infringement between the time of the trial and entry of the final judgment with an accounting, as needed;

d) a judgment and order requiring ServiceNow to pay InQuisient no less than a reasonable royalties after the final judgment if a permanent injunction is not granted;

e) a judgment and order requiring ServiceNow to pay InQuisient pre-judgment and post-judgment interest on any damages award;

f) a judgment and order that ServiceNow's infringement of the Patents-in-Suit be found willful and that the Court award treble damages pursuant to 35 U.S.C. § 284;

g) a judgment that this case is exceptional under 35 U.S.C. § 285 and an order the ServiceNow pay InQuisient its attorneys' fees incurred in prosecuting this action;

h) a judgment and order requiring ServiceNow to pay InQuisients' costs and expenses incurred in this action; and

i) any further relief, including equitable relief, as the Court may deem just and proper.

DEMAND FOR JURY TRIAL

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, InQuisient requests a trial by jury of all issues so triable by right.

Dated: July 5, 2022

FISH & RICHARDSON P.C.

By: */s/ Susan E. Morrison*
Susan E. Morrison (#4690)
222 Delaware Ave., 17th Floor
Wilmington, DE 19801
Telephone: (302) 652-5070
morrison@fr.com

Frank E. Scherkenbach (*Pro Hac Vice* to be filed)
Adam Kessel (*Pro Hac Vice* to be filed)
Andrew Pearson (*Pro Hac Vice* to be filed*)*
One Marina Park Drive
Boston, MA 02210
Telephone: (617) 542-5070
scherkenbach@fr.com
kessel@fr.com
pearson@fr.com

Jason W. Wolff (*Pro Hac Vice* to be filed)
12860 El Camino Real, Suite 400
San Diego, CA 92130
Telephone: (858) 678-5070
wolff@fr.com

Excylyn Hardin-Smith (*Pro Hac Vice* to be filed)
7 Times Square, 20th Floor
New York, NY 10036
Telephone: (212) 765-5070
hardin-Smith@fr.com

Adil Shaikh (*Pro Hac Vice* to be filed)
1717 Main Street, Ste. 5000
Dallas, TX 75201
Telephone: (214) 747-5070
shaikh@fr.com

Attorney for Plaintiff,
INQUISIENT INC.